

# Planning Committee Meeting

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

**Thursday, 06 July 2017 at 18:00**

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

## Information for Members of the Public

### Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.colchester.gov.uk](http://www.colchester.gov.uk) or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

### Have Your Say!

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

### Audio Recording, Mobile phones and other devices

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

### Access

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

### Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A water dispenser is available on the first floor.

### Evacuation Procedures

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## Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan 1989*) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

## **Planning Obligations**

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

## **Human Rights, Community Safety and Equality and Diversity Implications**

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

## Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

- |  |                         |
|--|-------------------------|
| 1. Necessary                             | 2. Relevant to planning |
| 3. Relevant to the development permitted | 4. Reasonable           |
| 5. Precise                               | 6. Enforceable          |

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



## Colchester Borough Council Development Management

### Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

### Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer’s Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



## Colchester Borough Council Environmental Control

### Advisory Notes for the Control of Pollution during Construction and Demolition Works

*The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.*

#### **Best Practice for Construction Sites**

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

#### Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

#### Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

## **Best Practice for Demolition Sites**

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

### **Noise Control**

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

### **Emission Control**

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

# **The Town and Country Planning (Use Classes) Order 1987 (as amended)**

## **Class A1. Shops**

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

## **Class A2. Financial and professional services**

Use for the provision of —

- (a) financial services, or
  - (b) professional services (other than health or medical services), or
  - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

## **Class A3. Restaurants and cafes**

Use for the sale of food and drink for consumption on the premises.

## **Class A4. Drinking establishments**

Use as a public house, wine-bar or other drinking establishment

## **Class A5. Hot food takeaways**

Use for the sale of hot food for consumption off the premises.

## **Class B1. Business**

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
  - (b) for research and development of products or processes, or
  - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

## **Class B2. General industrial**

Use for the carrying on of an industrial process other than one falling within class B1 above

## **Class B8. Storage or distribution**

Use for storage or as a distribution centre.

**Class C1. Hotels**

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

**Class C2. Residential institutions**

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

**Class C2A. Secure residential institutions**

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

**Class C3. Dwellinghouses**

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

**Class C4. Houses in multiple occupation**

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

**Class D1. Non-residential institutions**

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

**Class D2. Assembly and leisure**

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

### **Sui Generis Uses**

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

### ***Interpretation of Class C3***

*For the purposes of Class C3(a) "single household" shall be construed in accordance with section 258 of the Housing Act 2004.*

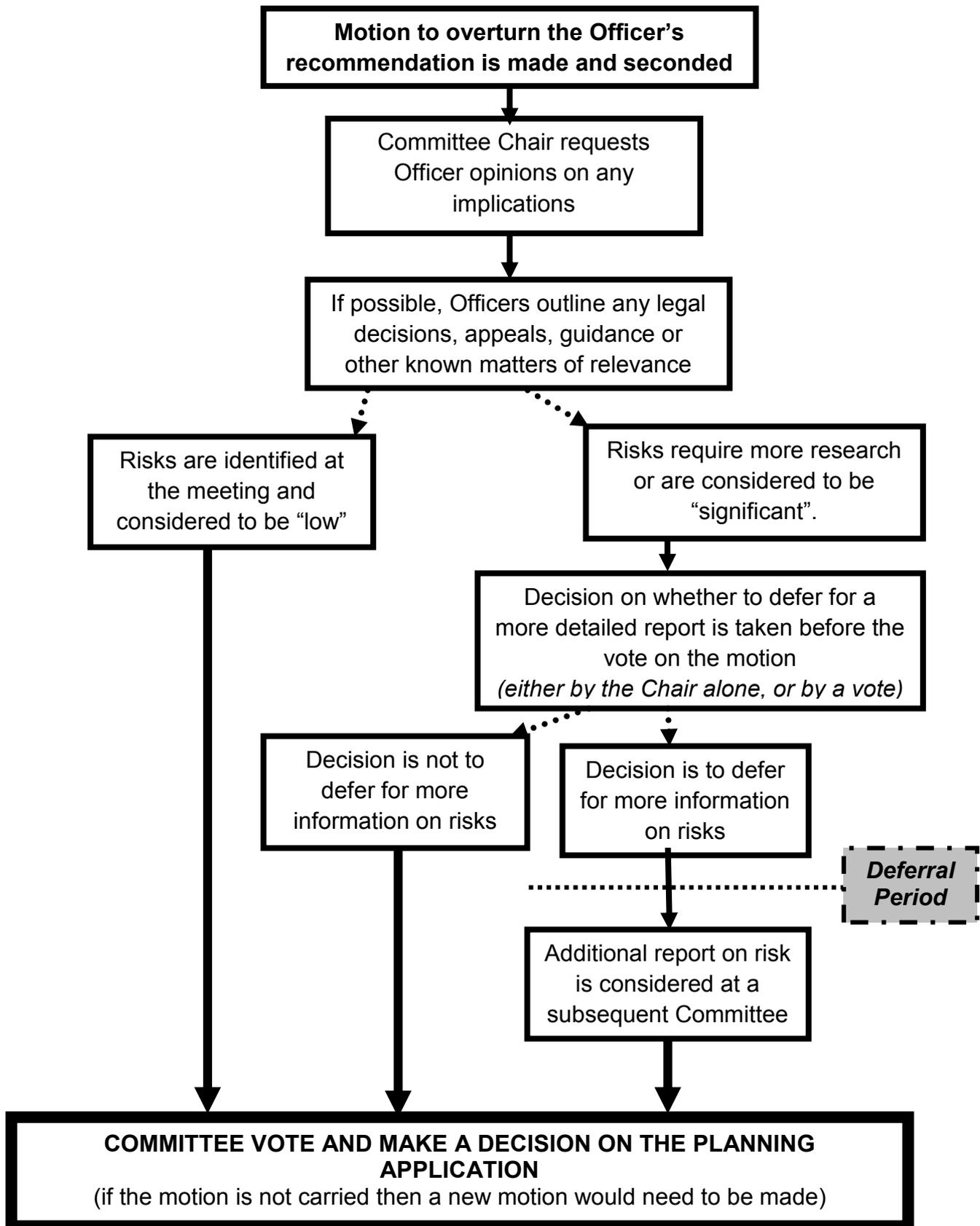
### ***Interpretation of Class C4***

*For the purposes of Class C4 a "house in multiple occupation" does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004*

## Deferral and Recommendation Overturn Procedure (DROP) Flowchart

*If Councillors require more information, or minor amendments to be explored, then the item should be deferred.*

*If no more information or amendment is desired Councillors will proceed to propose a motion.*



**COLCHESTER BOROUGH COUNCIL**  
**Planning Committee**  
**Thursday, 06 July 2017 at 18:00**

**Member:**

Councillor Theresa Higgins  
Councillor Cyril Liddy  
Councillor Lyn Barton  
Councillor Helen Chuah  
Councillor Pauline Hazell  
Councillor Brian Jarvis  
Councillor Derek Loveland  
Councillor Jackie Maclean  
Councillor Philip Oxford  
Councillor Rosalind Scott

Chairman  
Deputy Chairman

**Substitues:**

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop:-

Councillors Christopher Arnold, Roger Buston, Karen Chaplin, Nigel Chapman, Peter Chillingworth, Phil Coleman, Nick Cope, Robert Davidson, John Elliott, Annie Feltham, Adam Fox, Martin Goss, Dave Harris, Darius Laws, Mike Lilley, Sue Lissimore, Fiona Maclean, Patricia Moore, Beverley Oxford, Gerard Oxford, Chris Pearson, Lee Scordis, Jessica Scott-Boutell, Lesley Scott-Boutell, Paul Smith, Martyn Warnes, Dennis Willetts, Julie Young and Tim Young.

**AGENDA - Part A**  
(open to the public including the press)

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

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

**1 Welcome and Announcements**

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
  - action in the event of an emergency;
  - mobile phones switched to silent;
  - the audio-recording of meetings;

- location of toilets;
- introduction of members of the meeting.

## 2 **Have Your Say! (Planning)**

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

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

## 3 **Substitutions**

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

## 4 **Urgent Items**

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

## 5 **Declarations of Interest**

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

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the

interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6.1	<b>Minutes of 24 May 2017</b>	17 - 18
	To confirm as a correct record the minutes of the meeting held on 24 May 2017	
6.2	<b>Minutes of 25 May 2017</b>	19 - 28
	To confirm as a correct record the minutes of the meeting held on 25 May 2017	
7	<b>Planning Applications</b>	
	In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.	
7.1	<b>171307 37 Mile End Road, Colchester</b>	29 - 40
	Change of use from A2 usage to student accommodation (resubmission of expired permission 131511).	
7.2	<b>170997 Hill House, Carters Hill, Boxted, Colchester</b>	41 - 56
	Outline planning application including details of access and layout for 36 residential dwellings, public open space, landscaping, new access and highways, associated and ancillary development on land at Hill Farm, Boxted Cross, Boxted.	
7.3	<b>170753 1-2 The Folly, Wivenhoe, Colchester</b>	57 - 66
	Demolition of existing roof and chimney, rebuilding of roof with new roof dormers. New first floor front balconies and lifting beam. Red brick front facing elevation. New windows and door. External window and door alterations, and internal remodelling.	
7.4	<b>171109 30 Victory Road, West Mersea, Colchester</b>	67 - 76
	Proposed demolition of existing bungalow and new replacement two storey residential dwelling. Resubmission of 160159.	
7.5	<b>171249 Oak Tree Centre, 252-276 Harwich Road, Colchester</b>	77 - 82
	Removal of existing timber weatherboarding and battens to roof and replacement with the new built up felt roof covering on plywood decking, including additional insulation.	
7.6	<b>163213 91 King Harold Road, Colchester</b>	83 - 106
	Demolition of existing bungalow and garage and construction of 5no.3 bedroom detached bungalows and associated garages.	

## **Part B**

(not open to the public including the press)

### **8 Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

# Planning Committee

## Wednesday, 24 May 2017

**Attendees:** Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Rosalind Scott

**Substitutes:**

### **463 Appointment of Chairman**

RESOLVED that Councillor Higgins be appointed Chairman for the forthcoming Municipal Year.

### **464 Appointment of Deputy Chairman**

RESOLVED that Councillor Liddy be appointed Deputy Chairman for the forthcoming Municipal Year.



# Planning Committee

Thursday, 25 May 2017

**Attendees:** Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford

**Substitutes:** Councillor Michael Lilley (for Councillor Rosalind Scott)

**Also Present:**

## 465 Site Visits

Councillors Chuah, Higgins, Jarvis and Loveland attended all the site visits. Councillor Liddy attended the site visit to Colnehaven, Phillip Road, Wivenhoe only.

## 466 Minutes of 13 April 2017

The minutes of the meeting held on 13 April 2017 were confirmed as a correct record.

## 467 162925 57 Dunthorne Road, Colchester

The Committee considered an application for a proposed dwelling at 57 Dunthorne Road, Colchester. The application had been referred to the Committee as it had been called in by Councillor Smith. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Eleanor Moss, Planning Officer, presented the report and together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Derek Gearing addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that he had been given little notice of the application's consideration by the Committee and to prepare his case. He was concerned about contradictions in the application in relation to the removal of trees and the garage and he considered that the building line had not been adhered to. He considered there were significant existing highway problems as a result of traffic and on-street parking which were exacerbated due to the lack of a pavement and street lighting. Should the development proceed he was of the view that all materials would need to be delivered via Dunthorne Road. He considered that there considerable local objection to the proposal and that the Committee needed to bear

these views in mind.

John Spencer addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He confirmed that the design was in-keeping with the street scene, no objections had been forthcoming from the highway authority and the proposed garden sizes were acceptable. He had discussed the plans with the planning officers in order to produce a proposal which would merit approval.

Councillor Smith attended and with the consent of the Chairman addressed the Committee. He acknowledged that it would be unreasonable to object to any form of development on the site but considered the current proposal for a house was too large given the predominance of bungalows in the area. He sought clarification regarding the building line and considered that proposals for a bungalow may be more acceptable. He referred to the narrow width of Green Lane to the rear of the site which was popular with walkers and cyclists and was of the view that any building materials associated with a development needed to be required to be stored on site and also that hours of work needed to be restricted to weekdays only.

The Planning Officer confirmed that standard consultation letters had been issued to the objectors and the applicant giving notice of the application's referral to the Committee. She explained that a condition was proposed to prevent the future use of the garage for residential purposes and she confirmed that the applicant had certified that the application site was within his ownership and the building line was identified on the application drawings. The site was in a sustainable location, that the highway authority had raised no objections and the proposed parking provision complied with the car parking standards for a two bedroom house. She considered the style of the proposed house fitted in well in the area which was an eclectic mix of both big and small dwellings. She also pointed that there were no existing parking restrictions on the streets whilst confirming that construction vehicles would be required to park in Dunthorne Road not Green Lane. She also confirmed that the dwelling was not intended to be an annexe to the host building but was to be for sale on the open market. A boundary would differentiate the land between the two buildings and there would no overlooking concerns as the host building had no rear facing windows on the first floor. She further considered the seven metre height of the proposed dwelling was in accordance with other properties in Green Lane, the closest of which was over 10 metres distant from the application site boundary.

In discussion, members of the Committee expressed concern in relation to the bulk of the proposed house and the cramped nature of the site, whilst acknowledging the likely difficulty of accommodating the larger footprint associated with a bungalow and also voiced their doubts in relation to the size and apportionment of the garden area. Reference was also made to the need for an additional condition to provide for any building material storage to be on the application site, not the neighbouring roads.

As the discussion suggested that the Committee may be minded to refuse the application contrary to the officer's recommendation in the report, in accordance with the Committee's procedures in these circumstances, the Chairman invited the Planning Manager to indicate the significance of the associated risks should the Committee overturn the Officer's recommendation. The Planning Manager confirmed that there was no significant risk should the Committee determine that the application be refused. In response to further suggestions for a single storey dwelling to be considered by the applicant, he indicated that it was likely that this would lead to a sub-standard amenity area due to the increase in footprint size of a bungalow but may achieve a lower ridge height which seemed to be desired, if the Committee members would prefer that to be explored as a potential compromise.

RESOLVED (NINE vote FOR and ONE voted AGAINST) that consideration of the planning application be deferred to enable further discussions to take place with the applicant with a view to the proposed dwelling being amended to a bungalow for further consideration by the Committee.

**468 170170 Land adjacent to Colnehaven, Phillip Road, Wivenhoe, Colchester**

The Committee considered an application for the erection of a three bedroom house at land adjacent to Colnehaven, Phillip Road, Wivenhoe, Colchester. The application had been referred to the Committee as it had been called in by Councillor Scott. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Eleanor Moss, Planning Officer, presented the report and assisted the Committee in its deliberations.

Daryl Williamson, on behalf of the Queen's Road Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was not opposed to development in principle but was concerned about the combination of flooding in the area together with the drainage system dating back to the Victorian era. He considered the impact of the development on light levels was difficult to assess due to the existing tall trees and he referred to the impact of the anticipated closure of the railway crossing at Paget Road. He referred to the wildlife study being out of date in terms of the sightings of stag beetles and eels in the area and mentioned episodes of flooding water across the road system.

Councillor Scott attended and with the consent of the Chairman addressed the Committee. She considered there was merit both for and against the proposal and was concerned that the applicant had struggled to find an acceptable way forward with the development. She was of the view that it may be possible for further discussions to take

place to explore other options to ameliorate the design of the proposed building, given that the case against the current proposal seemed to be well made. She referred to the overbearing height of the trees on the site and sought ways to secure a reduction in their size. She explained that the applicant had been advised that the Sequential Test wasn't required in this instance and he was of the view that the site did not have a history of flooding. She hoped there may be a way for officers to negotiate further to find a coherent and acceptable solution which would add to the housing stock in the community.

The Planning Officer explained that the report included a bi-section illustration showing what would be acceptable on the site and that several preliminary meetings had taken place with the applicant and the urban designer but the advice provided had not been taken on board by the applicant. She confirmed that the National Planning Policy Framework and the National Planning Policy Guidance required the use of the Sequential Test and that the Environment Agency had identified the area as susceptible to high level flooding. She explained that the applicant had been given the opportunity to submit a revised scheme but this had not come forward and also confirmed that the trees were in the ownership of the applicant and he would require consent to lop or fell the trees as they were located in a Conservation Area.

Members of the Committee expressed their considerable concern about development on the site in terms of the impact on the environment, the history of flooding and the inappropriate design of the proposed building.

RESOLVED (UNANIMOUSLY) that the application be refused for the reasons set out in the report.

**469 163158 5 High Street, Wivenhoe, Colchester**

**Councillor Hazell (by reason of her acquaintance with the applicant) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the change of use of the rear of the ground floor from A3 to C3, retention of A3 use to front of ground floor, alterations comprising new window and roof lights, the removal and repositioning of internal wall partitions and the insertion of a new staircase at 5 High Street, Wivenhoe, Colchester. The application had been referred to the Committee as it had been called in by Councillor Scott. The Committee had before it a report in which all information was set out.

Bruce O'Brien, Planning Officer, presented the report and together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Carol Cottee the Committee pursuant to the provisions of Planning Committee

Procedure Rule 8 in opposition to the application. She explained she was the owner of the application site where she had operated a restaurant business for over five years. She confirmed that the business had not been successful for many years and, due to economic difficulties, she intended to retain the business but on a smaller scale and providing for the partial residential use of the premises. She had formulated a proposal which met the requirements of the highway authority in terms of the provision of a parking space as well as other criteria identified by the planning officer.

Councillor Scott attended and with the consent of the Chairman addressed the Committee. She explained that the proposal was of concern to local residents as it conflicted with the principles set out in the Neighbourhood Plan to resist the change of use of business premises to residential use. She considered that the restaurant which was to be retained would be very small and asked the committee members to bear this in mind in their consideration.

The Planning Officer explained that discussions had taken place with the applicant to maintain the commercial use of the site and he confirmed that the applicant had been willing to take a flexible approach to achieve this outcome. Although the size of the business use which was left was significantly reduced, the proposal did meet all the necessary standards.

The Planning Manager also advised the need for an additional proposed condition to provide for the setting out of the parking space prior to first occupation of the residential premises.

Members of the Committee acknowledged the difficulties experienced by the applicant in trying to keep the business running in the face of difficult economic circumstances and were supportive of the intention to retain the business for the benefit of the community despite it being on a smaller scale.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report together with an additional condition to provide for the setting out of the parking space prior to first occupation of the residential premises.

**470 163159 5 High Street, Wivenhoe, Colchester**

**Councillor Hazell (by reason of her acquaintance with the applicant) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a listed building application for the change of use of the rear of the ground floor from A3 to C3, retention of A3 use to front of ground floor, alterations comprising new window and roof lights, the removal and repositioning of internal wall partitions and the insertion of a new staircase at 5 High Street, Wivenhoe,

Colchester. The application had been referred to the Committee as it had been called in by Councillor Scott. The Committee had before it a report in which all information was set out.

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

**471 170266 7 Endean Court, Wivenhoe, Colchester**

The Committee considered an application for a proposed single storey rear extension to existing dwelling, including part conversion of existing garage at 7 Endean Court, Wivenhoe, Colchester. The application had been referred to the Committee because the applicant was an employee of the Council. The Committee had before it a report in which all information was set out.

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

**472 170480 11 Trinity Street, Colchester**

The Committee considered an application for change of use from A2 to C3, together with slight internal alterations and change to garden wall at 11 Trinity Street, Colchester. The application had been referred to the Committee as it had been called in because the applicant was an employee of the Council. The Committee had before it a report and Amendment Sheet in which all information was set out.

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

**473 170481 11 Trinity Street, Colchester**

The Committee considered a listed building application for change of use from A2 to C3, together with slight internal alterations and change to garden wall at 11 Trinity Street, Colchester. The application had been referred to the Committee as it had been called in because the applicant was an employee of the Council. The Committee had before it a report and Amendment Sheet in which all information was set out.

RESOLVED (UNANIMOUSLY) that the listed building application be approved subject to the conditions set out in the report and the Amendment Sheet.

**474 170154 55 Keelers Way, Great Horkesley, Colchester**

The Committee considered an application for retrospective permission to replace an

existing conservatory with a rear single storey extension and side single storey extension (at the back of the garage) at 55 Keelers Way, Great Horkesley, Colchester. The application had been referred to the Committee because the applicant was an employee of the Council. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

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

**475 171037 20 Ripple Way, Colchester**

The Committee considered an application for the extension and conversion of a garage into an annexe at 20 Ripple Way, Colchester. The application had been referred to the Committee because the applicant was an employee of the Council. The Committee had before it a report and Amendment Sheet in which all information was set out.

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

**476 Land north of Factory Hill, Tiptree – Section 106 Agreement**

**Councillor Loveland (by reason of his membership of Tiptree Parish Council) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a report by the Head of Professional Services concerning a request for a new Section 106 Agreement in relation to planning permission number 130245 for 126 dwellings on land to the north of Factory Hill, Tiptree to reflect the changed circumstances which had come about as a result of Wilkin and Sons' decision to rebuild and refurbish its existing factory rather than to build a new jam factory to the south of the existing factory. The proposal for 126 dwellings on the northern housing land would remain unchanged however there would be no new house building on the existing factory site and the legal agreement needed to be updated to reflect this change. Further comments from Tiptree Parish Council were set out in the Amendment Sheet.

Steve Bays, on behalf of Tiptree Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He confirmed the Parish Council's support for Wilkin and Sons but explained the Parish Council's view that greater contributions within the Section 106 Agreement should now be sought given proceeds from the development would no longer be used to fund a new factory. He also sought assurances regarding the future intended sale of a parcel of land

to the Parish Council as well as the allocation within Tiptree of the affordable housing contribution from the development.

Chris Newenham addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He was the joint Managing Director of Wilkin and Sons who had been working over the last seven years to secure the future of the business in Tiptree. He explained that the focus had more recently been to refurbish the existing factory whilst retaining the company's wholehearted support to deliver the contents of the Section 106 agreement. He confirmed that everything had been done to provide the Parish Council with the assurances it sought. The company was supportive of the development of a health centre on the site, was willing to bring the land forward for this purpose and had provided the Council with a letter to confirm this.

The Principal Planning Officer advised that nothing further could be negotiated in relation to the Section 106 Agreement as there were no mechanisms available to require any additional contributions. He explained that it was not possible to allocate the affordable housing element specifically within Tiptree and he advised that the identification of a health centre in the Parish Council's approved Neighbourhood Plan would ensure that a strong material condition would exist to ensure it would be forthcoming in the future.

Members of the Committee were very supportive of the proposals and acknowledged the need for the development to be progressed in a timely manner.

RESOLVED (UNANIMOUSLY) that the creation of a new Section 106 Agreement, as proposed within the report, be approved.

#### **477 Planning Performance Report - End of Year 2016-17**

The Committee considered a report by the Head of Professional Services giving details of the Planning Services' performance against various measures and Key Performance Indicators for the period 1 April 2016 to 31 March 2017 with comparative figures for previous periods in order to give some context to the performance achieved.

Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations. He drew attention to the continuous upward trajectory of most performance indicators but highlighted an exception in relation to appeal decisions awarded against the council which had followed a trend experienced nationally. However, costs were not regularly awarded against the Council which confirmed that it was considered to be acting reasonably.

Members of the Committee welcomed the information provided in the report and congratulated the Planning Officers on the performance achieved.

RESOLVED (UNANIMOUSLY) that the performance of the Planning Service for the

2016/17 year be noted and the congratulations of the Committee be conveyed to the staff in the planning service.





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**Item No:** 7.1

**Application:** 171307

**Applicant:** Mr Bajaj

**Agent:** Mr Johnson

**Proposal:** Change of use from A2 usage to student accomodation (resubmission of expired permission 131511).

**Location:** 37 Mile End Road, Colchester, CO4 5BU

**Ward:** Mile End

**Officer:** Nadine Calder

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee at the request of Councillor Goss due to concerns raised by local residents on impacts to neighbouring properties especially around potential removal of trees.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the identical scheme for which permission was granted in 2013 under the same local and national policies which is a material consideration that needs to be given considerable weight. It is your Officer's opinion that the scheme is acceptable in terms of its design and impact on the character and appearance of the surrounding area and neighbouring amenities.

- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application site comprises the existing early 19th century end terrace of 39 and 39A Mile End Road, evidently split into two flats. It also comprises a single-storey range of buildings fronting Mile End Road and extending back along the southern boundary of the site with the pub car park, to the right and rear of the site. These buildings include an existing general store and its ancillary buildings. The space in-between the two buildings provides for vehicle access to the yard at the rear of the site that is laid to hardstanding and includes an area likely to have originally been garden to 39 Mile End Road.

- 3.2 The site is within very close proximity to Colchester North train station and is on a principle main road and bus route. The site is approximately 15 minutes' walk from the main shopping streets of Colchester town centre.

## **4.0 Description of the Proposal**

- 4.1 This application seeks permission to provide a two-storey building which would be linked to No. 39 and 39A at first floor level above the existing vehicular/pedestrian access into the site. The aim is to provide student accommodation over two floors, with a ground floor shared kitchen and living room.

- 4.2 The building follows the approximate 'L'-shaped footprint of the existing building, and the roof has been modelled and broken up to reduce its mass and visual impact deeper within the site.

- 4.3 To the rear of the site, shared parking facilities for this development and the two existing flats at 39 and 39A are proposed, together with some private amenity space for all three units as well as secure cycle and bin storage.

## **5.0 Land Use Allocation**

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

## **6.0 Relevant Planning History**

6.1 The most relevant planning history relates to application reference 131511 which granted permission for the development the subject of this current application. However, this permission expired in 2016.

## **7.0 Principal Policies**

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

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

PR2 - People-friendly Streets

TA1 - Accessibility and Changing Travel Behaviour

ENV1 - Environment

ER1 - Energy, Resources, Waste, Water and Recycling

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity

DP4 Community Facilities

DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

DP7 Local Centres and Individual Shops

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access

DP19 Parking Standards

7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

n/a

7.5 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

7.6 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

## **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 Environmental Protection does not object to the proposed development.
- 8.3 Private Sector Housing raises no objection to the proposal subject to a number of requirements in terms of fire safety. These comments are made in light of the unit being a House in Multiple Occupation.

## **9.0 Parish Council Response**

- 9.1 Myland Community Council has stated that this is an unsuitable infill causing over development within the neighbourhood. Local resident amenity will be affected by overlooking and potential noise from the proposed balcony area. Visitor parking space is inadequate. Construction will be unacceptably problematic due to restrictions in Mile End Road.

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 Two letters of objection were received. The main reasons for objecting are summarised as follows:
- Loss of privacy;
  - Proposed building is out of keeping with adjacent Victorian properties;
  - Noise associated with student accommodation;
  - Access and parking;
  - Reduced visibility to vehicles entering and leaving the site.

Additional comments, which are not planning-related matters, include:

- There is a large ash tree at the bottom of the site which caused issues when it was cut without our consent;
  - Anticipated lack of local community engagement;
  - Non-resident landlord, unlike The Bricklayers Pub which doesn't cause any nuisance;
  - Maintenance of 'amenity' space and rubbish/recycling facilities;
  - Do proposed ground floor bedrooms have adequate natural light and ventilation?
- 10.3 In addition to his call-in request, Councillor Goss had the following comments to make:
- Building height and design needs to be in keeping with the surrounding area and also the adopted Myland neighbourhood plan.
  - Ample parking needs to be provided and the access needs to be acceptable to ensure it doesn't add to congestion and parking issues in the area.

## **11.0 Parking Provision**

11.1 The parking provision does not comply with adopted standards. However, the location of the application site is extremely sustainable and local policies allow for a lower provision of parking in high-density urban locations. The proposed parking provision is therefore adequate.

11.2 This level of parking was also allowed during the previous application 131511.

## **12.0 Open Space Provisions**

12.1 This scheme raises no concerns in terms of open space.

## **13.0 Air Quality**

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

## **14.0 Planning Obligations**

14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## **15.0 Report**

15.1 Principle of Development: The principle of development was established through application 131511. This granted permission for exactly the same development as the one that is the subject of this application with the exception of a marginally bigger ground floor window in the rear elevation (serving the kitchen/living area). This difference, however, is so small that it cannot be seen as being materially different. Permission for the development was granted in 2013 and this expired in November 2016. As the permission has not been implemented, a new permission is now sought.

15.2 It is important to note that the previous proposal was considered under the same local and national guidance that are relevant to the current proposal, i.e. the current Local Plan as well as in light of the NPPF. There is one new document that needs to be looked at and that is the Myland and Braiswick Neighbourhood Plan which was adopted in 2016. This however does not make any specific reference to the application site or the proposed development as such. Consequently, Officers would like to remind Members that there has been no substantial change in guidance or policy against which the current proposal needs to be considered and which could lead to a different conclusion.

15.3 On the basis of the above, it is concluded that the proposed development is acceptable and Officers would like to highlight that a different conclusion would lead to unreasonable behaviour on the Council's part which could lead to an award of cost should the applicant appeal the Council's decision and apply for costs.

15.4 Notwithstanding the above, the following paragraphs provide a summary of the assessment undertaken as part of the previous application:

- 15.5 Planning Unit and Proposed Use: The proposed additions have all the facilities one would expect of a five-bedroom house: a shared kitchen, bathrooms (en-suites to all the bedrooms) and an area of shared private amenity space. Nevertheless, the unit would evidently operate in conjunction with the existing flats of 39 and 39A - sharing vehicular access, parking and bin storage areas. It would seem, therefore, that there is a single planning unit comprising of three dwellings (the two flats of 39 and 39A Mile End Road and the 5-bed house).
- 15.6 The applicant describes the five-bedroom house element of the proposal as 'student accommodation'. That would only be the case if conditions in a planning permission made it so. No particular justification is seen for conditioning it as student accommodation and so the house may be occupied by students, non-students or a mix of the two.
- 15.7 Design and Impact on Surrounding Area: The design of the proposal is somewhat bulky and incongruous, especially in its relationship to the pub car park to the south. However, some articulation is given to the southern elevation, breaking up the mass. With this in mind, the proposal is acceptable in its appearance. Whilst individual elements of the scheme, such as undercrofts and first floor amenity areas, are not part of the local character, neither is the existing single-storey shop. Overall, the proposal retains a sympathy with local turn-of-the-century architecture and is not harmful to that prevailing character.
- 15.8 Loss of Employment: Development Policy DP5 seeks to protect employment uses. This proposal would result in the loss of employment due to the loss of an existing (albeit vacant) shop. The policy expects evidence to be provided to demonstrate that there is no viable or suitable employment use and such evidence has not been provided. The applicant argues that the use of the site for a small retail unit is unviable in the context of the close proximity of Asda to the site. This argument does seem to be a strong one. It is hard to see that such a small shop in this location would be especially viable. Neither would it seem to be especially desirable for other employment uses. Furthermore, the building has very limited value in the street scene and its retention visually is not especially desirable. Finally, in view of the small size of the shop, any employment lost would be very small.
- 15.9 Development Policy DP7 similarly protects A1 retail uses. This shop is a small general store, only 200 metres (as the crow flies) from a very large supermarket. There are other similar stores not much further away. Its viability is likely to be borderline at best.
- 15.10 In conclusion, it seems likely that the use of the site for employment purposes is not viable and that any lost employment would be very small. Nevertheless, as no evidence has been provided to this effect, some harm must be assumed and this will need to be weighed up in the overall consideration of the proposal.
- 15.11 It must also be remembered that change of use from A1 to C3 (dwellinghouse) is permitted development via the prior approval process and, thus, could be achieved without a full Planning application.

- 15.12 Amenity Space: Development Policy DP16 requires 100 square metres of private amenity space for the five-bedroom house and 50 square metres for the two (existing) flats. In this case, the flats are provided with 47 square metres of shared private amenity space which is more or less in compliance with the adopted requirement. The five bedroom house however has just 47 square metres including the cycle store area. In terms of deficit, this is the equivalent to the current situation where the two existing flats have no private amenity space and therefore a deficit of 50 square metres exists.
- 15.13 This is a high-density urban area close to the town centre and to parks and in such areas amenity space requirements are more relaxed. This is recognised within Policy DP16 which states "For the most accessible developments where, in accordance with Policy H2 of the Core Strategy, a density of over 75 dwellings per hectare may be appropriate, a minimum of 25 square metres of usable private amenity space shall be provided for each home". Policy H2 states that this density applies to sites within 400 metres of an urban gateway, which in this case is the Train Station. In this context, private amenity space provision exceeds policy requirements. The provision of private amenity space for the two flats of 39 and 39A that currently benefit from none is certainly a material consideration in favour of the application that carries some weight.
- 15.14 Impact on Neighbouring Amenity: To the south, windows and the raised terrace overlook the pub car park without a material loss of privacy. Similarly, the nature of use of the car park means that there would be no material impact on light or outlook.
- 15.15 To the rear (south-west), rear-facing windows and the terrace overlook properties on Bergholt Road, including the Bricklayers Arms pub. However, the rear of the terrace is 12 metres from the rear boundary of the site and a further 21 metres from the primary elements of the rear elevations to the Bergholt Road properties (including the pub). At these distances there will be no materially harmful overlooking or loss of light or outlook.
- 15.16 To the north of the site, the majority of the new-build faces the existing building of 39/39A Mile End Road. Whilst there will be some loss of light to windows in that side elevation, as it is in the ownership/control of the applicant, such harm can be given very little weight in amenity terms. Impacts will not be so great as to degrade the quality of accommodation to a degree that is of planning concern.
- 15.17 Of greatest potential concern is the single-storey element that protrudes beyond the rear of 39/39A Mile End Road and the raised terrace on top of it. It is not so high or close as to result in material harm to light or outlook (especially in view of the intervening garden of No. 39/39A). The submitted plans show a glazed screen along the northern side of the terrace and this will be sufficient to prevent materially harmful overlooking of properties to the north. It will also reduce noise spread. In the context of the busy road, railway line and car park and with this screening, it is not considered that noise levels heard from neighbouring residential properties will be materially greater than were the private amenity space at ground floor level. Whilst neighbours may have concerns about noise issues particular to student occupiers, as has previously been set out, the end user may (or may not) be students and there is no inherent

reason to conclude that student occupiers would be noisier than any other occupier. Finally, it must be noted that the existing use of the site as a shop has the potential to generate significant noise and disturbance through customer comings and goings (including parking) and from delivery vehicles. With all this in mind, it is not considered that the proposal would inherently result in a material increase in noise and disturbance. Should unacceptable levels of noise be generated to the point that a noise nuisance is caused, then the usual means of control via Environmental Protection legislation is available.

15.18 Parking and Highway Safety: The proposal includes three parking spaces. It is not clear how many bedrooms the existing flats of 39 and 39A include, but in view of the small size of the building, it is likely that they are one-bedroom flats. Under adopted parking standards, a five-bedroom house and two one-bedroom flats would generate a requirement for four parking spaces in total. If the flats were larger, that requirement would be six spaces in total. Only three spaces are proposed which, in either scenario, is below adopted standards. However, both the adopted standards and local policies make it clear that a lower provision may be acceptable in high-density urban locations. This location is extremely sustainable. It is very close to the train station and bus stops, a large supermarket and is not far from the hospital and medical centre. It is therefore very well suited to persons without private motor cars. Finally, the existing shop use at the site has the potential to generate significant parking requirements for staff and customers and any new proposal must be seen in that context. With all of this in mind, the proposed three parking spaces is considered to be adequate.

15.19 Although the driveway would be narrowed by this proposal, it would reduce the intensity in use of the access and the size of vehicles that may use it, when compared with the existing shop use. In this context, highway safety is not harmed by the proposal.

## **16.0 Conclusion**

16.1 In conclusion, an identical scheme has previously been approved having been considered against the current local and national policies and this is a material consideration that must be given considerable weight. The adoption of the Myland and Braiswick Neighbourhood Plan has not introduced any new policies that would contradict the assessment that was undertaken as part of the previous application and the application does not, therefore, warrant a different conclusion. On this basis, Officers would like to remind Members of the Planning Committee that refusing permission for the proposal the subject of this application would be unreasonable and could have financial implications for the Council.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

### **1. 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 3279 PA-10.

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

## **3. Detailing**

Prior to the commencement of development, elevation drawings at a scale of 1:20 showing the front arch that forms the undercroft, together with elevation and section drawings at a scale of 1:20 showing a sample window and sample blind window, shall be submitted to and approved in writing by the Local Planning Authority. These features shall be implemented in precise accordance with the approved details, prior to the first occupation of the development.

Reason: To ensure an attractive finish to the development appropriate to its traditional character and context.

## **4. Simple Landscaping Scheme Part 1 of 2**

The development hereby permitted shall not be occupied until a scheme of hard and soft landscaping 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 proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

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

## **5. Simple Landscaping Scheme Part 2 of 2**

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, 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 development where there is insufficient detail within the submitted application.

## **6. Boundary Treatment**

The development hereby approved shall not be occupied until a scheme of new and retained boundary treatment (including any gates) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include sample elevations annotated with precise details of finishing materials and colours of each boundary treatment to be used and a plan showing the precise

positioning of each boundary treatment. The submitted scheme shall include a brick wall to mark the boundary with the shared amenity space area behind 39 and 39A Mile End Road. It shall show the gate positioned as per the site plan on drawing 3279 PA-10. All boundary treatment shall be implemented in precise accordance with the approved scheme and shall be retained thereafter in its approved form.

Reason: To ensure an attractive finish to the development.

## **7. Materials**

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction, shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority. The finishing material for the roof shall be of natural slate. The finishing material for the window lintels and for the coping atop the parapet wall of the terrace shall be stone or reconstituted stone and these shall be four courses deep. The finishing material for the window cills shall also be stone or natural stone.

Reason: In order to ensure that suitable materials are used on the development, appropriate to its traditional style and in keeping with the character of the terrace that the development adjoins, as there are insufficient details within the submitted planning application.

## **8. General Removal of Residential PD Under Schedule 2 Part 1**

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

## **9. Windows**

All windows on the east and south elevations shall be sliding sash in their design.

Reason: To ensure an attractive finish to the development appropriate to its traditional style and context.

## **10. Pedestrian Visibility Splays**

Prior to the first occupation of the development hereby permitted, 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 be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway.

## **11. Details of the cycle parking area**

Prior to the first occupation of the development hereby permitted, precise details of the area annotated 'amenity and covered cycle area' on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include elevations and a roof plan. It shall include covered cycle parking for 5 bicycles. The cycle parking and the agreed arrangement for the rest of this area shall be implemented in precise accordance with the approved details prior to the first occupation of the development and shall be retained thereafter in its approved form for its approved purpose.

Reason: The shortage of vehicular parking necessitates cycle parking for each resident, as there is a realistic potential for the new development to be occupied by 5 cyclists. The remainder of the area shown is unlikely to be used as private amenity space as is suggested on approved drawings and would therefore better serve as improved external soft landscaping to visually soften the development and additional covered storage.

## **12. Bin Storage Area**

Prior to the first occupation of the development hereby permitted, details of a small sign to be attached to the building to identify the bin storage area, together with a different paving type/colour in the area to be used for bin storage shall be submitted to and approved in writing by the

Local Planning Authority. The sign and the paving shall be implemented in precise accordance with the approved details prior to the first occupation of the development and shall be retained thereafter in their approved form, for the sole purpose of bin storage of the occupiers of the development and the occupiers of 39 and 39A.

Reason: To ensure that there is adequate bin storage and that this is confined to areas that are accessible for collection and do not cause clutter in the street or in parts of the external areas within the development that serve other purposes.

## **13. Implementation of parking / manoeuvring areas**

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan (or as modified by any landscaping scheme approved by an application to approve matters reserved by conditions 3 and 4 of this permission), shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear, in the interest of highway safety.

## **14. Rainwater Goods**

All new rainwater goods or other external pipework shall be metal and coloured black.

Reason: To ensure a finish to the development that is appropriate to the traditional style of architecture proposed and the local context.

## **15. Screen for Terrace**

There shall be no occupation of the development hereby approved until such times as the Opaque glazing screens shown on approved drawing as partially enclosing the terrace have been implemented in precise accordance with the approved plans on the north side of the terrace. The screens shall be retained thereafter in precise accordance with the approved plan.

Reason: To prevent materially harmful levels of overlooking to the garden and rear elevation of residential properties to the north of the site, and to reduce noise dispersal

generated by this terrace, in the interests the amenities of the occupiers of residential properties north of the site.

### **16. Private Amenity Space**

The shared amenity space area to the rear of 39 and 39A Mile End Road and the drying facilities indicated on approved plan, shall be implemented and made available as such prior to the first occupation of the development and shall be retained thereafter for the joint use of the occupiers of the new development as well as the occupiers of 39 and 39A Mile End Road.

Reason: To ensure that all the occupiers of all properties at the site have adequate amenity areas for drying washing etc.

### **18.0 Informatives**

18.1 The following informatives are also recommended:

#### **ZT0 – Advisory Note on Construction & Demolition**

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

#### **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### **19.0 Positivity Statement**

#### **19.1 WA1 – Application Approved Without Amendment**

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



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**Item No:** 7.2

**Application:** 170997

**Applicant:** Mr Bates

**Agent:** Mr C Wragg

**Proposal:** Outline planning application including details of access and layout for 36 residential dwellings, public open space, landscaping, new access and highways, associated and ancillary development on land at Hill Farm, Boxted Cross, Boxted.

**Location:** Hill House, Carters Hill, Boxted, Colchester, CO4 5RD

**Ward:** Rural North

**Officer:** Nadine Calder

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee because it is a major application for which objections have been received and the recommendation is for approval subject to a legal agreement.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the principle of the proposal, taking into account the land use allocation of the application site, the various impacts that would arise from the development and how these could be mitigated against.
- 2.2 With regard to the first of these issues it is noted that the application site is allocated for residential purposes in the adopted Boxted Neighbourhood Plan and therefore the principle of the development taking place is considered to be acceptable. Secondly, it is considered that the various impacts of, and on, the proposed development can be appropriately controlled by way of condition and the completion of a Section 106 agreement
- 2.3 The application is subsequently recommended for permission subject to a legal agreement.

## **3.0 Site Description and Context**

- 3.1 The site is characterised by the footprints of former buildings associated with its commercial use and large areas of hardstanding. A mature tree belt is located along the southern boundary of the site, while the western boundary is clearly demarcated by established vegetation. Directly to the north of the site is the Grade II listed Hill House and associated outbuildings, while to the east of the site is St Peter's Primary School. There are arable fields to the west of the site and residential dwellings to the south and south east.

## **4.0 Description of the Proposal**

- 4.1 The proposal is an outline application for 36 dwellings with all matters except the access reserved for subsequent approval. The applicant submitted a plan showing how the development might be accommodated, but the plan is for illustrative purposes only and there could be alternative layouts for the site. Nevertheless, it provides a useful guide for Members when considering the proposal.

## **5.0 Land Use Allocation**

- 5.1 The site was formerly allocated for employment uses and was re-allocated for residential use in the Boxted Neighbourhood Plan. The Neighbourhood Plan now places the site within the Boxted Cross settlement boundary in Boxted village. This plan was adopted by Colchester Borough Council on 8 December 2016. It therefore now forms part of the statutory Development Plan for Colchester along with relevant policies in the adopted Local Plan.

## **6.0 Relevant Planning History**

- 6.1 The application site was granted planning permission for the erection of new industrial and office buildings within Use Classes B1, B2 and B8 (reference 131174). Outline planning permission for the development of the site for

residential purposes was sought in 2013 (reference 131528) and 2014 (reference 144589). These applications sought permission for 45 and 43 dwellings respectively. Both applications were refused, with the 2013 application also being dismissed at appeal.

## **7.0 Principal Policies**

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

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- CE1 - Centres and Employment Classification and Hierarchy
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ENV2 - Rural Communities
- ER1 - Energy, Resources, Waste, Water and Recycling

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP9 Employment Uses in the Countryside
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals

DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:  
n/a
- 7.5 The Neighbourhood Plan for Boxted is also relevant. This forms part of the Development Plan in this area of the Borough.
- 7.6 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  
Sustainable Drainage Systems Design Guide  
Street Services Delivery Strategy  
Planning for Broadband 2016  
Managing Archaeology in Development.  
Planning Out Crime  
Air Quality Management Guidance Note, Areas & Order

## **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 Archaeological Officer does not object to the proposed development subject to a condition.
- 8.3 The Contaminated Land Officer considers the submitted report to be acceptable and notes that remedial works are considered necessary in order to make the site suitable for the proposed use, including gas vapour protection measures. On this basis, no objection is raised subject to conditions.
- 8.4 Environmental Protection does not object to the proposal subject to conditions.
- 8.5 The Historic Buildings and Areas Officer does not object to the proposal but highlights the importance of appropriate materials being used on dwellings closest to the listed building to ensure that its setting is not harmed.
- 8.6 The Landscape Officer does not object to the principle of the proposal but suggests that the orientation of dwellings along the western boundary of the site be changed to protect the long term viability of this (reinforced) hedge as a principal landscape feature.
- 8.7 Private Sector Housing has no comments to make on the application.

- 8.8 The Tree Officer is satisfied with the submitted Arboricultural Impact Assessment and does not object to the proposal.
- 8.9 The Urban Design Officer does not object to the proposal in its outline form but has concerns with regards to the details of the design which he considers to be too suburban.
- 8.10 Anglian Water has no objection to the proposed development.
- 8.11 The Environment Agency objects to the proposal due to a lack of capacity at Langham water recycling plant.
- 8.12 The Highway Authority does not object to the proposed development subject to conditions.
- 8.13 Natural England has no comments to make on the application.

## **9.0 Parish Council Response**

- 9.1 No response was received from Boxted Parish Council at the time of writing this report.
- 9.2 Langham Parish Council stated that they have grave concerns regarding the application, primarily in terms of capacity at Langham WRC. This proposed development would probably be linked to Langham sewage works.

*There have been extensive discussions, initiated by Langham Parish Council between ourselves, the Environment Agency and Anglian Water over the last few months in the context of CBC draft local plan.*

*Notwithstanding whatever assurances may have been given to potential developers for the Boxted proposal by Anglian Water we perceive the view of the Environment Agency to be that there is presently NO capacity at the WRC to cater for ANY additional dwellings. This is despite Anglian Water carrying out investigations in Langham during the past 12 months including some sewer re-lining and a pump repair which is supposed to improve the flow rate.*

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 Twelve letters of objection were received. The main reasons for objecting are summarised as follows:
- No change since the recent appeal decision for housing on this site;
  - Proposal is unsustainable;
  - Impact on character and appearance of surrounding area;
  - Urbanisation of village location;
  - Significant expansion of existing village;

- The proposed development is more dense than the existing village;
- Boxted Cross is in danger of losing its rural character;
- No infrastructure in the village to support development;
- Existing local services are under strain;
- Traffic generation and highway safety;
- Infrequent bus services/lack of public transport;
- Unrealistic travel plan;
- Existing traffic issues in relation to primary school;
- Junction at Carter's Hill, Straight Road and Dedham Road is hazardous;
- Langham waste water is over capacity; and
- Light industrial units would be more beneficial as this would provide employment to people in the village and beyond.

### **11.0 Parking Provision**

11.1 The proposed development complies with the minimum requirement for parking spaces for each of the 36 dwellings. Additionally, a total of 10 visitor parking spaces are provided across the site. This exceeds the minimum requirement by one space. As such, the overall parking provision meets the Council's adopted parking standards.

### **12.0 Open Space Provisions**

12.1 The proposal includes a village green in the south western corner of the application site. This extends to an area of 0.39 hectares which exceeds the 10% policy requirement.

### **13.0 Air Quality**

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

### **14.0 Planning Obligations**

14.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

- Affordable Housing – 20% which equals 3 x 1 bedroom dwellings, 2 x 2 bedroom dwellings, 1 x 3 bedroom dwelling and 1 x 4 bedroom shared ownership dwelling;
- A mechanism for allocating the required number and mix of affordable housing units to local residents in Boxted as a priority; and
- Open Space and Community Facilities - contribution of £175,000 for Open Space and £51,000 for Community Facilities, for a joint project at the community hub to provide a new pavilion and parking.

### **15.0 Report**

15.1 Principle of Development: The application site is allocated for residential purposes, therefore the proposal is acceptable in principle.

15.2 Officers are aware of the planning history of this site, including the 2014 Public Inquiry Appeal Decision (reference A1530/A/14/2216873), however, it should be

noted that since this decision, the Boxted Neighbourhood Plan has been prepared and adopted and as part of this, Hill Farm was identified as a suitable site for housing. This is a material consideration which needs to be given considerable weight. The residential redevelopment of this site is therefore considered to be acceptable and to represent sustainable development.

- 15.3 Policy HF1 is the key Neighbourhood Plan policy relevant to this application. The submitted indicative layout plan proposes the delivery for 36 dwellings at Hill Farm, which includes 7 affordable units, comprising 3 x 1 bedroom dwellings, 2 x 2 bedroom dwellings, 1 x 3 bedroom dwelling and 1 x 4 bedroom shared ownership dwelling.
- 15.4 Policy HF1 did not define the number of houses to be delivered at Hill Farm, however, the delivery of 36 dwellings is considered appropriate for this rural location. This equates to a density of approximately 18 dwellings/hectare which is low and in keeping with the surrounding built character in this part of Boxted. The final density will be slightly higher than this as not all of the 1.86ha site is developable.
- 15.5 Boxted Cross is considered a sustainable location for limited development. The proposal accords with Core Strategy Policy ENV2 as it will improve the wider sustainability of Boxted Cross. The proposed housing scheme will bring a former derelict employment site back into a more viable use. The site was subject to an appeal in 2014 and it was concluded that Hill Farm was no longer viable as an employment site. Consequently, retaining the site for such a use would be contrary to paragraph 22 of the NPPF.
- 15.5 Design, Layout and Amenity Provision: The outline nature of the development proposal means that the detailed design of the development is not proposed at this stage and therefore the overall impact of the development cannot be judged.
- 15.6 The application documentation states that the proposal would accommodate a mix of one bedroom, two bedroom, three bedroom and four bedroom dwellings. Development Policy DP16 states that dwellings containing one or two bedrooms should accommodate a minimum of 50sqm of private amenity space, dwellings with three bedrooms a minimum of 60sqm with dwellings containing four or more bedrooms accommodating 100sqm of private amenity space. In terms of flats, the policy states that communal residents' gardens can be provided on the basis of a minimum area of 25sqm per flat.
- 15.7 Layout is not a matter for consideration as part of the current application. An indicative block plan, however, has been provided as part of the application which shows that private amenity space varies between the plots with a minimum provision of 91sqm (for a two-bedroom house) and a maximum provision of 242sqm (for a four-bedroom house), thereby suggesting that each unit would have more than adequate private amenity space allocated to it.
- 15.8 Overall, it is felt that the layout as shown on the submitted plans would be compatible with other residential developments in the area. Notwithstanding this, the detailed design of the development would be adequately addressed during the reserved matters submission stage.

- 15.9 Impact on the Surrounding Area: Due to the outline status of the application, the full extent of the visual impact of the development cannot be fully addressed as the layout, appearance, scale and landscaping would be subject to the reserved matters. Nevertheless, the information provided together with this application assists with this material consideration.
- 15.10 The existing hedges to the western and southern boundaries form the principal landscape feature on site, contributing to local landscape character and acting as an important screening element to Boxted Straight Road to the south and PROW 125\_5 to the west. These features should be identified as a continuous hedgeline from the pedestrian crossing point on Boxted Road, down to the southern corner of the site and then up to the western corner of the site. Both hedges need to be retained and proposed to be gapped up and re-inforced with native hedge planting. Both lengths of this hedge should look to set development back from these hedges behind a protective deep verge.
- 15.11 The tree screen belt along the southern boundary forms a secondary landscape feature on site which, according to the indicative site layout plan, is proposed to be retained and re-inforced. This would appear satisfactory with further details of the proposed landscaping to be subject to the reserved matters application.
- 15.12 The indicative site layout shows that the proposed properties are set back from the highway to provide a new green/public open space in the south eastern corner and along the majority of the eastern boundary of the site. This follows existing built development within Boxted Cross where many properties benefit from deep landscaped frontages and generous rear gardens. The proposed development would therefore be in keeping with the surrounding area.
- 15.13 On the basis of the above, it is considered that the proposed development is appropriate in this location and it is felt that its impact on the surrounding area is acceptable. That said, much of the impact will be derived from the detailed design of the proposed buildings, an issue which will be addressed at the reserved matters stage.
- 15.14 Impact on Residential Amenity: The potential impacts on neighbouring properties will be considered at the reserved matters stage, however, having regard to the indicative site layout, it is considered unlikely that there will be issues of overlooking or overshadowing.
- 15.15 Affordable Housing: The proposed number of affordable dwellings accords with Core Strategy Policy H4 which requires residential development proposals to provide 20% affordable units and it will also deliver the housing need identified in the 2013 Boxted Rural Housing Need Survey as well as the need for the wider Borough.
- 15.16 Policy HF1 of the Neighbourhood Plan states that a mechanism for allocating the affordable housing units to local residents in Boxted as a priority should be agreed. This will be secured via legal agreement.

15.17 Impact on nearby Listed Building: Hill House, which is located immediately north of the site, is a Grade II listed building. As the proposed scheme will improve a derelict site, it is considered that this will enhance the setting of Hill House.

15.18 The area of concern is the change to the general character of the area. Currently, the area surrounding the building is undeveloped, however, previously it was occupied by light industrial (including former agricultural) buildings which had a detrimental impact on the setting of Hill House. The proposed house types will have to be subject to high quality materials, especially the correct brick and mortar mix which will have a neutral impact on the setting of the listed building. If the materials are of an inferior quality, the development could look inexpensive and harm the setting of the listed building. It is important that the distinctiveness of Hill House is not compromised by being sited adjacent to poorly detailed buildings. Any new development must therefore take consideration of the materials outlined in the adopted SPD "External Materials Guide for New Development". New development can suffer from inadequate details and the quality of the material finishes must be taken into account as should, for example, the depth of window reveals, and the construction materials of the windows which should be timber or metals but not Upvc. Upvc windows would have a detrimental impact on the setting of the listed building. It is important that the brick and the pointing must be correct for the buildings not to harm the setting. The bricks should be clay stock bricks with lime/white cement pointing with some aggregate. These are matters that need to be addressed at reserved matters stage.

15.19 Access and Highway Matters: Access is the only matter for which permission is sought at this stage of the application. There are two existing vehicle access points along the eastern boundary of the site. The main access into the site will utilise one of the existing access points with the entrance to plots 1 and 2 being moved further south than the existing entrance to increase visibility splays to the north of Carters Hill. The applicant has submitted a Transport Assessment that demonstrates in terms of safety and capacity that the impact of the proposed development will be minimal. Therefore, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network. Consequently, subject to conditions, this would not result in demonstrable harm to highway safety or the free flow of traffic, in accordance with policy T2 and the NPPF.

15.20 A Travel Plan has been prepared to manage and resolve traffic impacts arising from the development in Boxted including impacts during school drop off and pick up times. The preparation of the Travel Plan is a requirement of Policy HF1 in the Boxted Neighbourhood Plan and also Development Management Policy DP17. This policy also promotes the preparation of Residential Travel Packs. This Travel Plan seems satisfactory and all proposals included in the Travel Plan including the need for Residential Travel Packs should be conditioned if planning permission is granted.

15.21 Archaeology: The Archaeological Advisor confirmed that an adequate pre-determination archaeological evaluation was carried out in December 2016 and

the results of this work have been submitted with the application. Based on the results of the evaluation, two areas of the site were identified for archaeological mitigation in the form of excavation. The fieldwork relating to this work has been adequately completed (in accordance with a Written Scheme of Investigation) but analysis and reporting of the results has not yet been completed. The proposal, therefore, complies with the objectives of Development Management Policy DP14 and policy HF1 in the Neighbourhood Plan.

15.22 Ecology: A Preliminary Ecological Assessment (PEA) has been provided as part of the outline planning application which is welcomed. This identifies potential impacts on foraging bats and nesting birds but not on any other Protected Species/Species or habitats of Principal Importance. The mitigations proposed in the PEA to protect the species at risk should be conditioned if planning permission is granted to ensure compliance with Development Policy DP21 (Nature Conservation). Given the presence of bats on site, consideration should be given to the use of sensitive lighting in the final site designs.

15.23 Flood Risk: The site falls within Flood Zone 1, therefore residential development on this site is an acceptable use. A Drainage Strategy has been prepared which promotes the use of SuDS. Surface water will be managed using several Sustainable Drainage measures including bio retention and infiltration provided by the construction of a swale and permeable paving on site. The use of such SuDS treatments will ensure that surface water is managed at source reducing the risk from surface water flooding both on and off site therefore the scheme appears to accord with national policy and guidance on flood risk in the NPPF/PPG and Development Management Policy DP20.

15.24 The Environment Agency has pointed out that, with regard to drainage options for the site, infiltration techniques generally pose the highest risk of polluting the groundwater. Therefore, they request that infiltration should be restricted to shallow techniques only by reason of pollution prevention and control.

15.25 Foul Water Disposal: The proposed development intends to dispose of foul water to the main sewer. The Environment Agency confirmed that the receiving water recycling plant (WRP) at Lanham is over capacity. The Council commissioned a Water Cycle Study (WCS) as part of the evidence base for the new Local Plan. The WCS requires solutions to be identified to address the capacity shortfalls prior to any development commencing that is served by the Langham WRP. The improvements are needed to also ensure compliance with the Habitats Regulations 2010.

15.26 This has an impact on the proposed development, however, it does not render it unacceptable. It simply means that no development can proceed until adequate waste water and sewage treatment capacity is available to serve the new housing. This can be secured via condition.

## **16.0 Conclusion**

16.1 The application site is allocated for residential purposes, this is not an historic allocation, but a recent reallocation from employment use to residential as identified within the Boxted Neighbourhood Plan. This allocation means

residential development is acceptable. The application is an outline proposal and so issues such as detailed layout, appearance, design and landscaping of the development can be determined at the reserved matters stage. However, the application seeks full planning permission at this stage for the means of access to the site. This has not given rise to an objection from the Highway Authority and the application is therefore recommended for approval.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months of the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

### **1. Time Limit for Outline Permissions Part 1 of 3\***

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

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

### **2. Time Limit for Outline Permissions Part 2 of 3**

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

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

### **3. Time Limit for Outline Permissions Part 2 of 3**

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

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

### **4. Development in Accordance with Arboricultural Impact Assessment**

The reserved matters submission(s) to be made in relation to the outline planning permission hereby granted shall be made in full compliance with the details of the hereby approved Arboricultural Impact Assessment (Ref 53497 2017-06-23 AIA).

Reason: To ensure proper attention is given to the impact of the proposed development on existing trees.

### **5. Development in Accordance with Travel Plan**

The development hereby permitted shall comply with the recommendations set out in the submitted Residential Travel Plan.

Reason: In the interests of promoting sustainable development and transport.

### **6. Approval of Access**

With regard to the aspects of the planning application for which full planning permission is sought at this stage, namely the ACCESS, the development shall be carried out in full accordance with the details shown on submitted drawing number 13/30/11 Rev A

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

#### **7. Contaminated Land (Submission of Remediation Scheme)**

In accordance with the details in the ground investigation report: Sue Slaven 'Hill Farm, Boxted Cross, Report on Ground Investigation', ref. P0020/R01 Issue 1, dated 26/01/17; 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.

#### **8. Contaminated Land (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.

#### **9. Reporting of Unexpected Contamination**

In the event that unexpected 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 recommence 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: 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. 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 7.

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. 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 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.

#### **12. Surface Water Drainage into Highways**

No works shall take place until details showing the means to prevent the discharge of surface water from the development onto the highway have been submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times thereafter.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

#### **13. Upgrades to Water Recycling Plant**

Prior to the commencement of development hereby approved, enhancements shall be provided to the waste water and sewage infrastructure in the catchment to the satisfaction of the Environment Agency and the Local Planning Authority.

Reason: In order to prevent pollution of the water environment and to protect the groundwater quality in the area in the interests of Health and Safety as there is insufficient capacity in Langham water recycling plant.

#### **14. 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: not at all

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.

#### **15. Archaeology**

The development shall not be occupied or brought into use until the post investigation assessment, analysis, publication and dissemination of results and archive deposition has been completed.

Reason: To ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Borough Council's Core Strategy (2008).

#### **16. Refuse and Recycling Facilities**

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

#### **17. Sustainable Transport**

Prior to the first occupation of the development, the developer shall be responsible for the provision of Travel Information Packs to each dwelling; the details shall have been previously submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of promoting sustainable development and transport.

### **18.0 Informatives**

18.1 The following informatives are also recommended:

#### **1. 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. Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### **3. Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

### **4. Informative on Section 106 Agreements**

PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

### **5. Informative on Works affecting Highway Land**

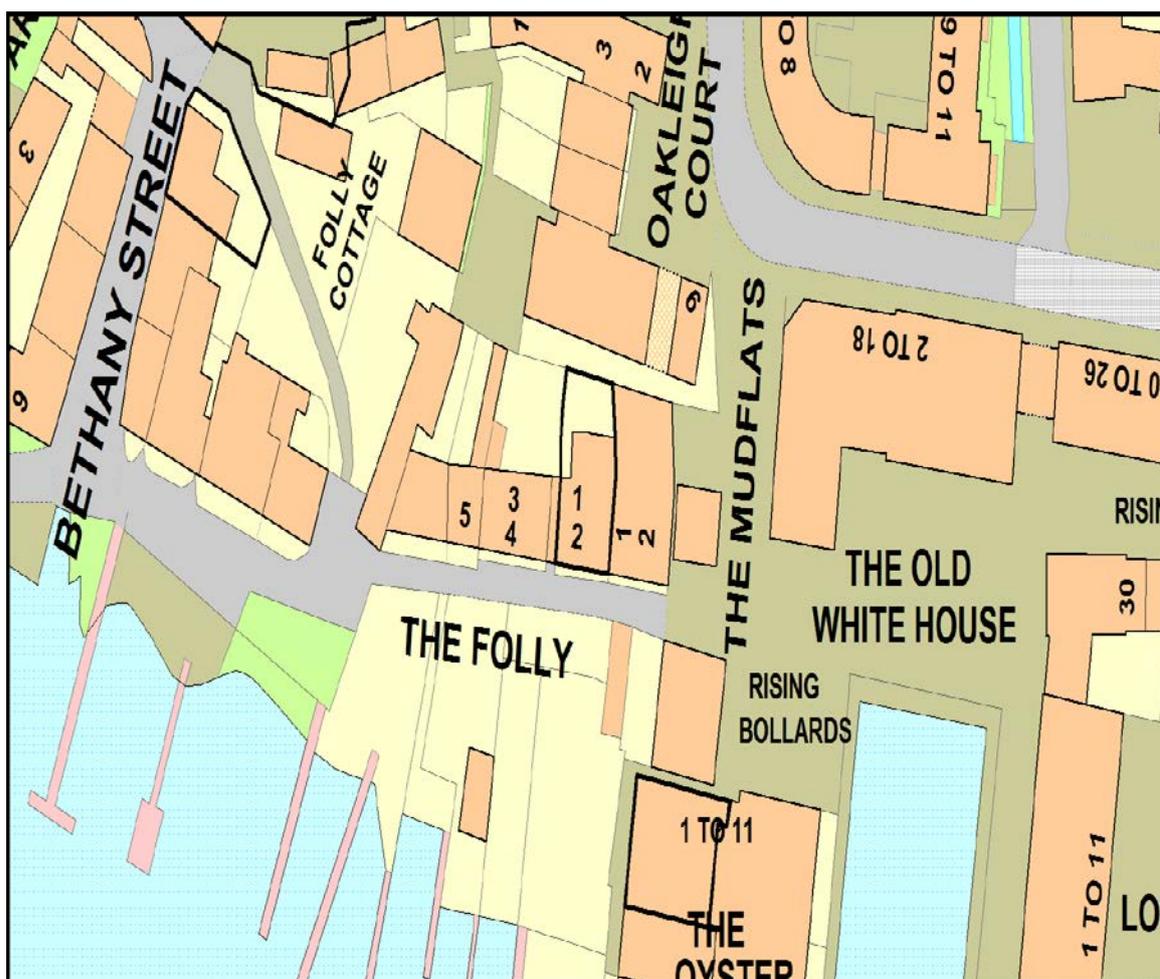
PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.

## **19.0 Positivity Statement**

### **19.1 Application Approved Following Revisions**

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





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**Item No:** 7.3

**Application:** 170753

**Applicant:** Mr & Mrs Macaskill

**Agent:** Mr Potter

**Proposal:** Demolition of existing roof and chimney, rebuilding of roof with new roof dormers. New first floor front balconies and lifting beam. Red brick front facing elevation. New windows and door. External window and door alterations, and internal remodelling.

**Location:** 1-2 The Folly, Wivenhoe, Colchester, CO7 9DB

**Ward:** Wivenhoe

**Officer:** Chris Harden

**Recommendation:** Approval

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

1.1 This item is referred to the Planning Committee because Councillor Scott has called in the application following concerns expressed by the neighbour about the balconies. Concern is expressed that the lower balcony would block out light and views and cause noise problems, that there would be a loss of amenity for the neighbours and that neither balcony is appropriate for the location.

## **2.0 Synopsis**

2.1 The key issues for consideration are the visual impact of the alterations upon the character of the Conservation Area and existing dwelling and also any impact upon neighbouring residential amenity.

2.2 Revised plans have amended the balcony and fenestration details. It is now considered that there would not be a significant detriment to neighbouring residential amenity, including from overlooking, an overbearing impact or loss of light caused by the balconies. The proposed alterations are also considered to preserve the character of the Conservation Area and existing dwelling. The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

3.1 The existing dwelling is part of a lengthy terrace that faces the quayside and lies within the Wivenhoe Conservation Area. Its fenestration has previously been altered and the adjoining dwellings each have varying fenestration and roof heights. The agent states that the existing building is in a poor state of repair and in need of considerable refurbishment.

## **4.0 Description of the Proposal**

4.1 The proposal is for the demolition of the existing roof and chimney and the rebuilding of the roof with new dormers. The roof would be raised 0.45 metres. New first and second floor balconies and a lifting beam would be also be added. The first floor balcony would be constructed of glass and would have a metal frame balustrade and a hardwood handrail. The front elevation would have red brick slips added as well as new doors and windows. To the rear there would be a new dormer window to allow the creation of an internal staircase plus the removal of two windows. Finally, there would be internal remodelling of the dwelling.

4.2 The original submission has been amended by reducing the length of the first floor balcony and giving it a curved shape in the interests of moving the balcony further from the neighbouring property and avoiding any significant overlooking. The second floor balconies have also been altered to now have a curved projection and the glass bricks in the proposed rear dormer have been replaced by a more traditional glazing arrangement. The extent of glazing on the first floor front elevation has also been reduced and given a more symmetrical appearance.

## **5.0 Land Use Allocation**

5.1 Predominantly residential.

## **6.0 Relevant Planning History**

6.1 There is no recent planning history for the site that is of particular relevance.

## **7.0 Principal Policies**

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

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP14 Historic Environment Assets

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

DP23 Coastal Areas

7.4 Some "allocated sites" also have specific policies applicable to them. There are no adopted Site Allocations (adopted 2010) policies that are of specific relevance to this application.

7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide

External Materials in New Developments

Sustainable Construction

Managing Archaeology in Development.

Wivenhoe Town Plan and Executive Summary

## **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 Conservation Officer states: "The host site is a site that could accommodate balconies if the design is right. The effect on the character of the conservation area must be considered as required under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990." Initial concern was expressed

about the glass blocks to the rear and the wide openings at the front (since amended). On balance, the glass balcony was accepted subject to the other alterations being made and appropriate detailing provided.

## **9.0 Parish Council Response**

- 9.1 The Town Council has stated the following: “The most noticeable features are that it appears to be a considerable extension on a small plot and incorporates balconies that may intrude on privacy the building is close to, or in a conservation area the proposed dormer windows will impact privacy and views of neighbours it would appear that a circular staircase has been proposed- is this permissible?”

The entire proposal is a considerable re-modelling of the site - WTC would like time to consider what is proposed in more detail and to consult with the appropriate bodies given the buildings location in a historic part of the town especially as the external appearance will be changed significantly.”

## **10.0 Representations from Notified Parties**

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

- 10.2 One letter of objection has been received which makes the following observations:

(i) I am a neighbour to No 1 The Folly and I did not receive notification regarding planning application COL170753 and request my objections to be taken into account despite the consultation expiry date having passed. My objection is that the proposed balconies adjacent to my first and second floor bay windows have shuttering at their ends which block my view along the Folly and the Quay.

(ii) It would also allow those using the balcony to see directly into my home, therefore invading my privacy.

(iii) I consider the proposed design to be inappropriate and flashy and not in keeping with the surroundings.

- 10.3 Five letters of support have been received which make the following points:

(i) As a neighbour I support the proposal and would particularly like to address the comments from the local WTC. There IS no extension or enlargement of the 'foot print' of the property except for the addition of balconies.

(ii) Given that there are now balconies on many Quay-front properties, both existing and new, these would be very much in keeping with the varied changes that have taken place in the Folly and along the Quay in the last 70 years or so. The WTC refer to the 'historic' nature of the Conservation Area, but this particular property was crudely re-developed in the 1960's and this proposal will be a timely 21st century upgrading of a neglected building and will much enhance its appearance. The red brick will match nicely with my house.

(iii) The WTC have seen fit to comment, beyond their remit, on the spiral

staircase, which is entirely a matter of building regulation and in a non-listed building not even a matter for Planning.

(iv) Not necessary for the process to be delayed by granting the WTC time to 'consult further' on a matter that should be solely within the remit of Colchester Borough Planning and would recommend this application be approved.

(v) Have a property very close to site and I am very supportive of this planned renovation. House has been very neglected over the past decade or more and is in urgent need of renovation and structural modernisation. Style of the proposed modernisation is not out of keeping with the rather diverse range of styles nearby.

(vi) Designs would be very much in keeping with the interesting mix along the Folly and The Quay in Wivenhoe. Most recent houses and new builds such as The Oyster Catchers in the dock area and No.5 The Folly have balconies. It is now perfectly acceptable to want to enhance the owners' views and create pleasant planting areas.

(vii) The external proposals follow the successful ideas used and approved for the two most recently built or renovated buildings, namely the house next door to the east and two doors away in the westerly direction, notwithstanding countless houses and flats on the most recent developments. An enhancement to The Folly .

## **11.0 Parking Provision**

11.1 Unchanged

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

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

## **14.0 Planning Obligations**

14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## **15.0 Report**

15.1 The Principle of Development: The site lies within the physical limits and Conservation Area so the proposal should be judged on its planning merits having particular regard to the impact upon the character of the existing dwelling and Conservation Area as well as any potential impact upon neighbouring residential amenity.

- 15.2 Design Alterations and Visual Impact: The revised proposal is now considered to be in keeping with the character of the Conservation Area and would represent a visual improvement compared to the appearance of the existing dwelling. There are other balconies on dwellings in the vicinity and numerous other balconies on nearby buildings, some of which have glass balcony panels similar to the application proposal.
- 15.3 The balcony is of relatively simple form and the glass panels will enable it to sit quietly on the property whilst maintaining views of the front of the dwelling. The change in fenestration behind the main balcony has been reduced in width compared to the original submission and is considered to represent a visual improvement compared to the existing 1960's style windows.
- 15.4 Similarly the second-floor balconies are considered to represent a visual improvement compared to the existing flat-roofed 1960's dormers. They have a more vertical emphasis and visually tie in well with the vertical fenestration and dormer. Their curved roofs would reduce their prominence whilst adding an interesting feature. The curved design of the first and second floor balconies is considered to be visually acceptable in this context and helps reduce the overall size of the dormers whilst having benefits in terms of neighbouring residential amenity (which will be discussed below).
- 15.5 The raising of the roof is considered to be visually acceptable and would not result in the loss of any fabric of historic significance. The roofs of dwellings in the terrace vary in height so the slight raising of the roof on this dwelling would not be out of keeping with the character of the terrace or neighbouring properties and would not detract from the character of the Conservation Area. It is not considered that the removal of the chimney would be visually inappropriate or result in the loss of a feature of any significant historic interest. The red brick slips to be added would also be visually acceptable in this context.
- 15.6 With regard to the alterations to the rear of the property, the dormer serving the stairwell is considered to be visually acceptable now that the reference to glass blocks has been omitted. The smaller rear dormer is a visual improvement on the 1960's style dormer it replaces. The internal alterations proposed do not require planning permission.
- 15.7 Overall, the alterations to the dwelling are considered to preserve or enhance the character of the Conservation Area and would result in a visual improvement to the existing dwelling. It is not considered that there would be any impact upon the setting of Listed Buildings that lie some way away to the West near Bethany Street.
- 15.8 Impact Upon Neighbouring Residential Amenity: The proposed first floor balcony has been amended by moving it further from the neighbouring properties either side, putting the end shutters inside and being constructed in a sweeping curve shape. The ends of the dormer are now a lot narrower and this, combined with the dormer being further from neighbouring property, is considered to overcome the potential overlooking concerns that the originally submitted scheme raised.

15.9 With the shutters now folding inside the host dwelling and the balcony being glass and further away, it is also not considered there will be any significant loss of view or overbearing impact upon the neighbouring dwellings. It is not considered there will be any significant overlooking from the window alterations to the rear - there are already rear-facing windows on that elevation. The larger of the rear dormers serves a stairway.

15.10 Other Matters: There is no impact from the scheme upon private amenity space or parking provision. There are also no archaeological or wildlife implications.

15.11 With regard to flood risk issues, whilst the site lies within Flood Zone 3, the floor level of the dwelling is proposed to be no lower than currently exists so the proposal will not increase the flood risk at the property. The property has been in use as a dwelling for many years.

## **16.0 Conclusion**

16.1 To summarise, the proposed works are considered to be visually acceptable, would preserve and enhance the character of the Conservation Area, would improve the appearance of the dwelling and would not have any significant detrimental impact upon neighbouring residential amenity.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee 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 01 received 24/3/17, 03E received 12/6/17.

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

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

Notwithstanding the submitted details, no works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used, including the solar tiles, in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

#### **4. Z00 – Design Details**

Prior to commencement of the relevant individual works, precise details of the following (1:20 where applicable) shall be submitted to and agreed in writing by the Local Planning Authority.

- (i) Windows and doors
- (ii) Balconies, including balustrades and handrails
- (iii) Dormer cheeks and dormer eaves
- (iv) Lifting beam

Only the approved details shall be implemented.

#### **5. Window and Door Materials**

The materials and finishes to be used for the external windows and doors shall be as per the submitted details and shall thereafter be retained as such.

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

#### **6. Rooflights**

The rooflights hereby approved shall be of the “conservation” type with a single vertical glazing bar and mounted flush with the roof slope.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

#### **7. Works of Making Good**

Within two months of the works being completed, all external adjoining surfaces which have been disturbed by the works shall be made good with materials and finishes to match those of existing undisturbed areas surrounding the new works.

Reason: In order to preserve the character of the Conservation Area.

### **Informatives**

#### **Positivity Statement**

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

18.1 The following informatives are also recommended:

**ZT0 – Advisory Note on Construction & Demolition**

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

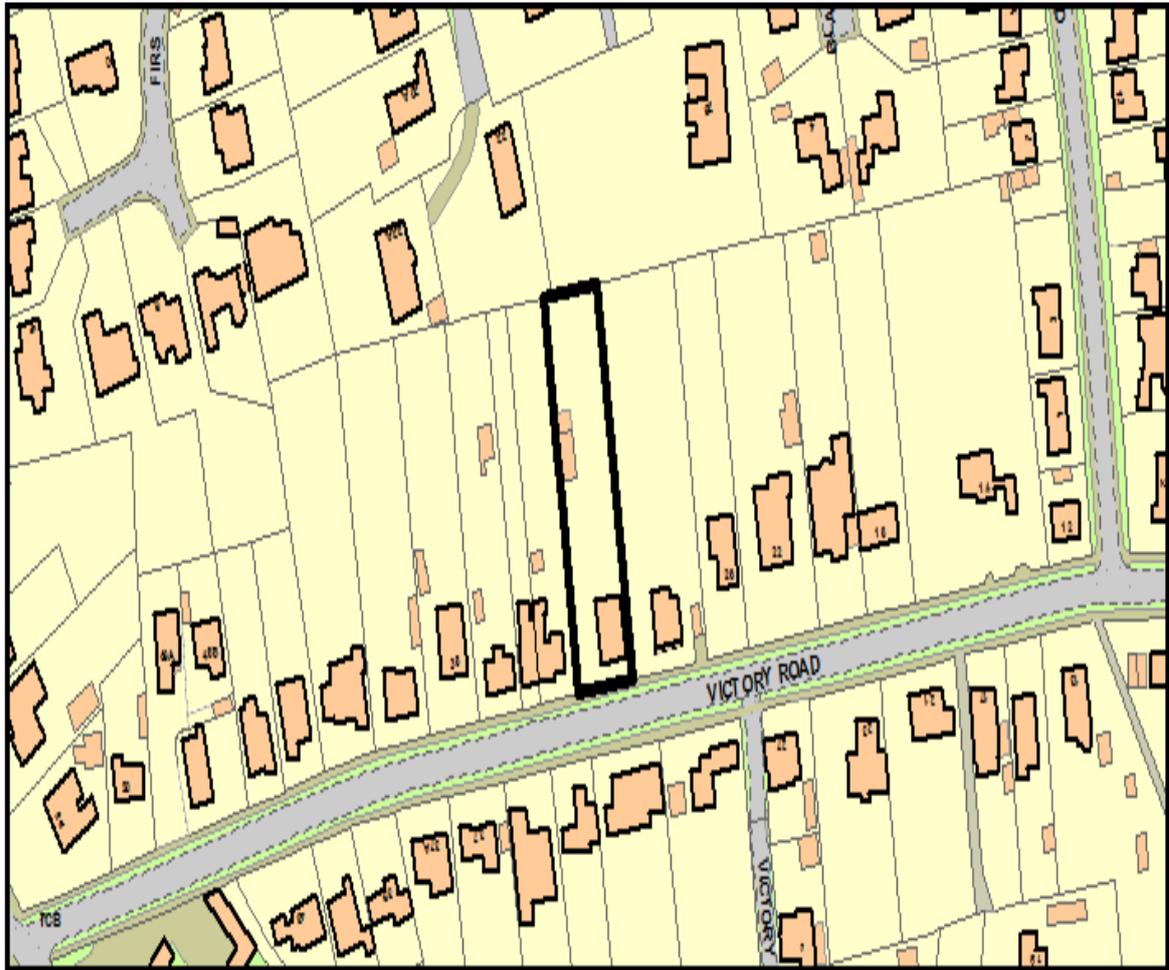
**ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

**ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.





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**Item No:** 7.4

**Application:** 171109

**Applicant:** Mr Spencer Priestly

**Agent:** Mr Graeme Roe

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

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

**Ward:** Mersea & Pyefleet

**Officer:** Chris Harden

**Recommendation:** Approval

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

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

## **2.0 Synopsis**

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

## **3.0 Site Description and Context**

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

## **4.0 Description of the Proposal**

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

## **5.0 Land Use Allocation**

- 5.1 Predominantly residential.

## **6.0 Relevant Planning History**

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

## **7.0 Principal Policies**

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

Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:  
SD1 - Sustainable Development Locations  
UR2 - Built Design and Character
- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:  
DP1 Design and Amenity  
DP12 Dwelling Standards  
DP14 Historic Environment Assets  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP19 Parking Standards  
DP21 Nature Conservation and Protected Lanes  
DP23 Coastal Areas
- 7.4 Some “allocated sites” also have specific policies applicable to them. There are no adopted Site Allocations (adopted 2010) policies that are of particular relevance to this application.
- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):  
The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Backland and Infill  
Sustainable Construction  
Managing Archaeology in Development.

## **8.0 Consultations**

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

## **9.0 Parish Council Response**

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

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

## **10.0 Representations from Notified Parties**

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

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

(i) In favour of this design, it is modern but not over bearing. I believe its situation within the plot has been well thought out and an asset to the area which brings a new and favourable edge to Victory Rd.

(ii) This building is making use of modern design ideas and materials, for an old, tired and energy wasteful bungalow. Plans show plenty of space to get vehicles off the road while keeping open the access to the rear of the plot. It can only enhance the area. A great looking proposal that can only enhance a diverse and varied road.

## **11.0 Parking Provision**

11.1 Two car parking spaces as per the standards.

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

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

## **14.0 Planning Obligations**

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## **15.0 Report**

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

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

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

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

## **16.0 Conclusion**

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

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

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

### **1. ZAA - Time Limit for Full Permissions**

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

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 6312/1304, 6312/1204, 6312/1104 received 12/5/17.

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

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

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

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

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

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

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

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

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

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

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

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

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

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

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

### **8. Z00 – Design Details**

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

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

Only the approved details shall be installed.

Reason: To ensure the satisfactory appearance of the development.

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

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

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

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

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

Reason: To ensure the satisfactory appearance of the development.

### **18.1 Informatives**

18.1 The following informatives are also recommended:

#### **ZT0 – Advisory Note on Construction & Demolition**

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

#### **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

#### **ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

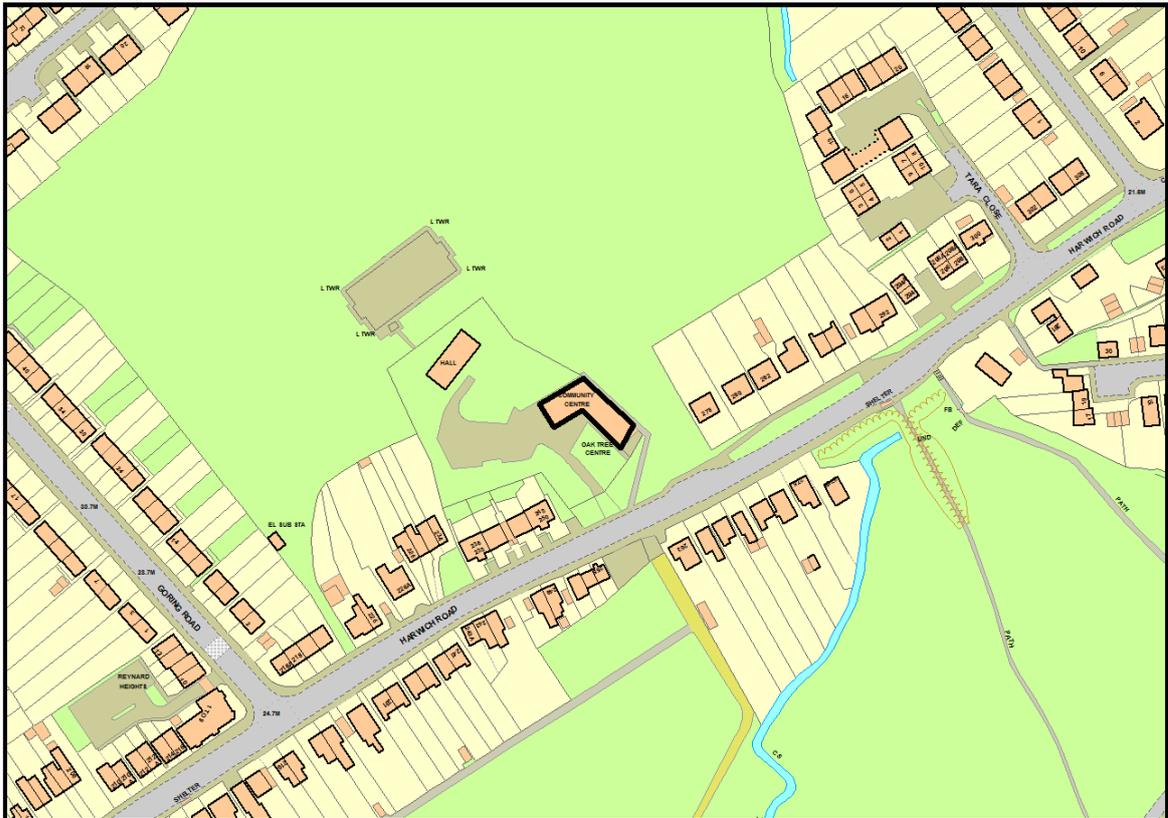
**Highway Informative1:** All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

#### **Positivity Statement:**

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





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**Item No:** 7.5

**Application:** 171249

**Applicant:** Colchester Borough Council

**Agent:** Colchester Borough Homes

**Proposal:** Removal of existing timber weatherboarding and battens to roof and replacement with new built up felt roof covering on plywood decking, including additional insulation.

**Location:** Oak Tree Centre, 252-276 Harwich Road, Colchester, CO4 3DH

**Ward:** St Anne's & St John's

**Officer:** James Ryan

**Recommendation:** Approval

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

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

## **2.0 Synopsis**

2.1 The key issues for consideration is the impact the scheme will have on the design of the building.

2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

3.1 The Oak Tree Centre is a community hall located on Harwich Road. Due to the local topography it sits higher than the road.

## **4.0 Description of the Proposal**

4.1 A new roof including additional insulation is proposed.

## **5.0 Land Use Allocation**

5.1 The site is within the settlement limits and sits in an area of public open space. A 'green link' runs across the open space alongside the east of the centre from the Harwich Road to St Johns.

## **6.0 Relevant Planning History**

6.1 The Oak Tree Centre was granted planning approval in 2004 via planning application 041603.

## **7.0 Principal Policies**

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

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

SD3 - Community Facilities

UR2 - Built Design and Character

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP4 Community Facilities

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide  
External Materials in New Developments  
Community Facilities  
Sustainable Construction

## **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 Archaeology - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.
- 8.3 Trees – Condition tree protection during construction phase.

## **9.0 Parish Council Response**

- 9.1 Non-parished.

## **10.0 Representations from Notified Parties**

- 10.1 No responses received.

## **11.0 Parking Provision**

- 11.1 As a change to the roof of the building this scheme has no parking implications.

## **12.0 Open Space Provision**

- 12.1 As a change to the roof of the building this scheme has no open space implications.

## **13.0 Air Quality**

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

## 14.0 Planning Obligations

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## 15.0 Report

- 15.1 The Principle of Development: The changes to the roof of the building are essential to ensure the building stays watertight in the future. The NPPF, PPG and Development plan are clearly in favour of development that relates to the support of community facilities such as this and therefore this scheme is held to be acceptable in policy terms.
- 15.2 Design and Layout: The existing building is an interesting contemporary structure that is almost entirely clad in timber. It has a number of roof planes that meet the tops of the walls at a crisp junction. This is important as it gives the building its distinctive silhouette. The project surveyor has come up a more traditional felt roof solution that should stand the test of time (and weather) but will be installed in a manner that will preserve the architectural integrity of the existing building. He has provided the following justification below:

*Whilst Oak Tree Centre, Harwich Road, Colchester was only built about 10 years ago, the existing timber weatherboarding and softwood battens beneath are already rotting allowing the wind to lift and displace the timber weatherboarding in places, and also the softwood battens are fixed through the single-ply membrane roof covering which is allowing the roof to leak in places.*

*The proposed solution is to remove the existing timber weatherboarding and softwood battens, and install a new 3 layer built-up felt roof covering on plywood decking over the existing single ply membrane and counter-battens, including infilling between the counter-battens with additional insulation.*

*As the building is completely different from its neighbours (which are masonry construction with tiled roofs), the solution proposed does not need to match any of these buildings, although we do propose for the new felt roof covering to have a blue/grey mineral finish to blend in with the retained timber weatherboarding to the walls, and we also propose to retain an upstand at the perimeter of the building so that the rainwater still runs to the existing outlets as at present, thereby negating the need to add a fascia to the outside of the existing timber weatherboarding.*

*Additionally the central valley gutter does not fall properly to the rainwater outlets, and the outlets themselves are not in the bottom of the valley gutter, both of which cause the rainwater to pool in the valley gutter, so the works also include for rectifying this problem as well.*

Due to the upstand mentioned above, the crisp junctions between roof and wall will be retained and much of the actual roof surface will be hidden from public view. The proposal is therefore acceptable in design terms.

15.3 Trees: The Oak Tree centre is L-shaped and sits around a large and attractive Oak Tree. Conditions will be imposed to ensure this and the other trees on site are not damaged during the construction phase.

15.4: Other Matters: The scheme is held to be acceptable in all other respects.

## **16.0 Conclusion**

16.1 To summarise, the works to the roof of the Oak Tree Centre are essential to the longevity of the building and therefore an approval is warranted.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

### **1.0 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.

### **2.0 ZAM – Development in Accordance with submitted drawings.**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 04, 05, 06, 09 and 10.

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

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

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

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

#### **4.0 ZFR - Tree and Natural Feature Protection: Entire Site**

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

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

#### **5.0 ZFS - Tree and Hedgerow Protection: General**

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning

Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows 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, with 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.

### **18.0 Informatives**

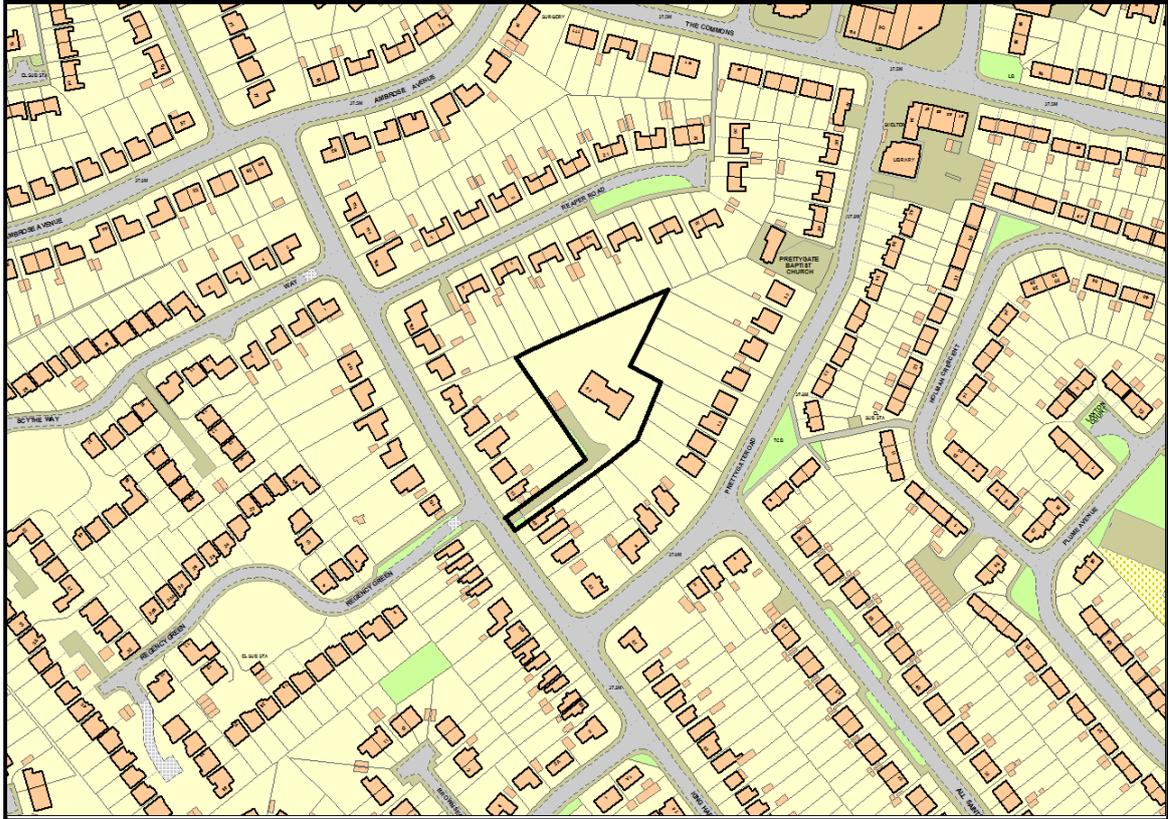
18.1 The following informatives are also recommended:

#### **ZT0 – Advisory Note on Construction & Demolition**

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

#### **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.



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**Item No:** 7.6

**Application:** 163213

**Applicant:** Dynamic Property Investments Ltd

**Agent:** Mr Ross Bain

**Proposal:** Demolition of existing bungalow and garage and construction of 5no. 3 bedroom detached bungalows and associated garages.

**Location:** 91 King Harold Road, Colchester, CO3 4SG

**Ward:** Prettygate

**Officer:** Ishita Sheth

**Recommendation:** Approval

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

1.1 This application is referred to the Planning Committee because it has been called in by Councillor Sue Lissimore for the following reasons:

- Overdevelopment
- Design

## **2.0 Synopsis**

2.1 The key issues for consideration are design and impact on neighbouring amenity.

2.2 The application is subsequently recommended for APPROVAL.

## **3.0 Site Description and Context**

3.1 The site is located on the eastern side of King Harold Road. The site is currently occupied by a detached bungalow in a backland position; it is accessed via a private drive located between Nos. 89 and 93 King Harold Road. There are a number of protected trees on site.

## **4.0 Description of the Proposal**

4.1 The proposal seeks to demolish the existing dwelling and the detached garage on site and provide 5 Nos. 3 bedroomed detached bungalows and associated garages on the application site.

4.2 The existing access would be used for access to the proposed properties.

## **5.0 Land Use Allocation**

5.1 Residential

## **6.0 Relevant Planning History**

6.1 None relevant to this application

## **7.0 Principal Policies**

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

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
UR2 - Built Design and Character  
ENV1 - Environment

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Backland and Infill  
Sustainable Drainage Systems Design Guide  
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 Urban Designer – Makes the following comments:

I understand there is a wider planning view that the preference would be for four not five units given the context. Whilst I would support this view, my comments focus on the proposed design for five units for which, if the principle is accepted, I would generally have no objection, subject to the following minor conditions:

- All windows and doors in masonry walls shall be inset at least 65mm and shall be fitted with sub-cills.  
Reason: There is insufficient information provided in the submission to guarantee this key detail.

- Details of all facing, roofing and external materials to be used (including bricks, pavers, tiles, gable to canopy and barge boards) shall be submitted to and approved by the local planning authority prior to construction. Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted application.
- Improved/further details for front canopies shall be submitted for approval prior to construction. Reason: In order to ensure these prominent features are correctly detailed, noting there does not appear to be any horizontal support to the gable.

8.3 Landscape Officer – Recommends the following condition to be attached to any consent granted.

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:

- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. REFUSE OR OTHER STORAGE UNITS, LIGHTING ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS;
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLE.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

8.4 Archaeological Officer - There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), 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.

The following archaeological condition is recommended:

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).

I will, on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Pre-determination archaeological evaluation is not required for this proposal. However, I would recommend 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.

***Informative on Archaeology:***

*PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:*

<http://www.colchester.gov.uk>

8.5 Environmental Protection Services - Makes the following comments:

Should planning permission be granted Environmental Protection wish to make the following comments:-

**NOTE: Demolition and Construction**

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.

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

No fires on site at any times

All necessary measures shall be taken to minimise dust, including damping down and the use of barriers.

**ZGR - \*Light Pollution for Minor Development\***

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS;.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

An acoustic fence on both sides of the driveway to reduce the noise from vehicles using the drive and also to protect from headlights/rear lights of passing vehicles. Environmental Protection would recommend the use of an acoustic consultant for the design of the fence.

Reason, to protect existing residents from possible nuisance due to the increased traffic from this development.

8.6 Highway Authority - From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be reconstructed to a width of 5.5m for at least the first 6m within the site tapering one-sided over the next 6m to no less than 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and

in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.  
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
3. Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.  
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
4. All off street car parking shall be in precise accord with the details contained within the current Parking Standards.  
Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.
5. Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with 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 and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.  
Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.
6. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

8. Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at accesses.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 8.7 Tree Officer – Makes the following comments on the originally submitted scheme:

Is in agreement with the conclusions of the report provided. It is noted that the proposal requires the felling of three trees. Two of these trees are contained within a group rated as B category as per BS5837:2012 but as individuals would be rated lower. As such the loss of these trees is considered to be of no significant detriment to the overall 'tree'd' boundary of the site.

It is also noted that due to the number of units proposed that the buildings are quite close to the trees to be retained (due to limitations in garden size) whilst this is likely to be within the 'allowed limits' it is likely that the eventual owners of the site may find the trees to be overbearing and there may be a perceived lack of light. As such a TPO has been made to ensure, should permission be given, that these trees are retained.

In conclusion, is satisfied with the arboricultural content of the proposal subject to the above.

Agreement to the arboricultural aspect of the application subject to conditions:

**ZFQ - Tree and Natural Feature Protection: Protected Areas**

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during

the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

**ZFS - Tree and Hedgerow Protection: General**

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.

**ZFU - Tree Canopy Hand Excavation**

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

**Additional**

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition [-] has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of: (select as appropriate)

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Makes the following comments on the latest scheme:

Changes are minimal and have limited change to the impact on trees. The setting isn't ideal but refusal on this basis would likely not result in a win if appealed.

## 9.0 Parish Council Response

9.1 N/A

## 10.0 Representations from Notified Parties

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

10.2 The first consultation resulted in the following comments:

- Clearance of site commenced shortly after the purchase of the site and several trees have already been cut down. This would go against the requirements of the Environmental Report.
- Existing hedge to the rear of Plot 3 should not be removed. This boundary treatment is their responsibility in accordance to their deeds.
- Dimensions of properties not clear online on the website.
- Would like confirmation that no overlooking of the neighbouring properties will occur.
- Can time restrictions be placed on working and delivery hours
- Would like a meeting with the planner.
- Had bought their property for the peace and quiet; the proposed development has far too many properties and will result in noise, light and air pollution issues.
- Prior to the building of the existing bungalow, two applications for more dwellings on the site were refused amongst other reasons for the restricted access.
- The access is in close proximity to their property and their property has two windows along the elevation facing this access.
- The increase in number of vehicles using this access will result in increase in air and noise pollution and increase in diesel particulates.
- Loss of residential amenity
- Suffers from Asthma; the proposal will result in detriment to their health.
- King Harold Road already is crowded with parked cars. The proposal will result in a further increase in car parking of residents and visitors, resulting in safety concerns.
- Their property is directly opposite the access and have concerns about light beams from cars shining into their properties.
- Proposal will affect the desirability of the area and in turn their property.
- Proposal is an overdevelopment of the site.
- View is restricted when entering the highway from the access road; this is danger to pedestrians and users of Highway.
- Parking inadequate; unlikely that residents will use garages for car parking.
- Loss of privacy
- Safety issues for school children using the pavement.

- The position of the refuse storage is too close to No. 89 King Harold Road; unsightly rubbish near the entrance and noise issues for neighbours from its use.
- On other similar applications Highways have stipulated conditions about visibility splays.
- Would like confirmation that none of the dwellings will ever be two storey in nature.
- Would like to know which trees will be lopped down and whether the fences to the rear of properties will be replaced.
- Would like the overhanging branches from the trees on the site to be cut.
- Would not like any hardsurfacing near their perimeter fence as this will affect drainage in their garden.
- Some of the fencing that is in the ownership of the application site needs replacing.

10.3 Subsequent to the submission of revised drawings and a re-consultation, following further comments were received:

- Apart from the removal of the refuse area, nothing has been done to address the major concerns.
- Still an overdevelopment of the site
- Parking is inadequate.
- Safety issues from so many vehicles using a narrow access and lack of visibility from the access.
- Concerns about air pollution; especially because of their asthma.
- Condition of the fence at no.6 and 8 Reaper Road is in very poor shape and incorrectly positioned.
- All previous objections remain.
- Plot 3 seems to be very close to the boundary of 17 Prettygate Road.
- The revised plans also still show removal of the hedge on boundaries of 17 and 19 Prettygate. There is a boundary fence between hedged of 91 King Harold Road and 17 and 19 Prettygate Road. Under no circumstances is the hedge boundary side of 17 and 19 Prettygate road to be removed or cut down. Would like to try and preserve the hedge as it is used by nesting birds and insects.
- Why was the massive healthy tree removed from the site?
- Concerns for the safety of the pedestrians.
- It has been brought to their attention that on average each dwelling would have 6 vehicle movements per day plus guests plus refuse lorries, and deliveries; this will create noise and a great deal of disturbance.
- I note that mention has been made re landscaping which whilst being a positive step raises concerns over the existing tree line and shrubs being removed on the entrance leading to the bungalows. The existing tree line is a major draw for wildlife I feel this could be trimmed and should be preserved for the environment and maintaining everyone's privacy.
- Has concerns over the ownership of the beautiful brick wall which runs along no's 91 and 93. (This will be the proposed entrance to the site) This will be remaining on the plans which is a positive note however this will need some TLC especially with the extra weight of traffic and who will be responsible for

the maintenance? This is currently owned by no 91 but if the plans are agreed who will take ownership?

- There is a clause in the deeds that only one property is permitted on the site.

## **11.0 Comments on Consultation Responses**

11.1 These are set out as below:

- Issues in respect of party wall boundaries are civil matters and cannot be considered under Planning Legislation.
- The trees on the application site were not a subject of a Tree Preservation Order when the tree works were carried out. Trees on private land can therefore be removed without consent of the Local Authority.
- Every application is considered on its own merits and the current Policies.
- The clause on the deed about the number of dwellings is not a planning matter.
- The current proposal is for single storey dwelling and the application has to be determined on this basis.
- Whilst the Planning Authority sympathises with the health conditions of the neighbour, it is not considered that this can be a valid reason for the refusal of the scheme.
- Condition 4 recommended by the Highway Authority is not necessary as the proposed parking spaces as shown on the submitted plans are in accordance to the required standards.
- Condition 5 recommended by the Highway Authority is unnecessary as the bicycles can be stored within the individual residential curtilages.
- Condition 6 recommended by the Highway Authority is not necessary as the bin storage area is provided within the site.
- All other relevant planning matters are discussed in the evaluation section.

## **12.0 Parking Provision**

12.1 The proposal results in implications for parking provision; these are discussed in the evaluation section.

## **13.0 Open Space Provisions**

13.1 There are no implications in respect of Open Space provisions

## **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 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## 16.0 Report

### The Principle of Development

- 16.1 The site is located within the settlement boundary within a residential area, where residential development is acceptable in principle. A single dwelling currently exists on the site; an assessment must be made whether the increased number of dwellings proposed would be acceptable on the site.

### Design and Layout

- 16.2 Core Strategy Policy UR2 states that the Borough Council will promote and secure high quality and inclusive design in all developments to make better places for both residents and visitors. Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported while Development Policy DP1 requires all development to be designed to a high standard, avoid unacceptable impacts on public and residential amenity, and demonstrate social, economic and environmental sustainability.

In addition to local policies, national guidance in the form of the NPPF and PPG attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Consideration also needs to be given to the Council's adopted Supplementary Planning Document (SPD) 'Backland and Infill' which states that 'all infill development should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height, form, materials, fenestration and architectural details of its neighbours. This is important in re-enforcing local character and ensuring the context of the street scene is not adversely affected'. However, whilst the SPD asks for new development to reinforce the character and appearance of the existing area, Policy H3 of the Core Strategy states that housing should be diverse.

- 16.3 The application proposes a development of 5 bungalows in a backland location. Whilst it is noted that the layout and plot shapes and sizes would not reflect the character of the surrounding plots, the proposed development would not be visible from the streetscene by virtue of its backland nature and as such would not result in detriment to the character of the area. Although there would be an obvious intensification of built development as a result of the provision four additional dwellings on this site, the proposed development can be accommodated in a way that would not lead to overdevelopment. The design of the proposed dwellings is generally good with detailing incorporated in accordance to the Urban Designer's requirements. The dwelling at Plot 1 would be visible from the public highway and creates a focal building in accordance with the requirements of the Backland and Infill Development SPD.

Furthermore, the use of traditional materials as proposed reflects the local character of built development in the vicinity of the application site.

Overall it is considered that the proposed development results in an acceptable layout and intimate sense of place. The sense of unity is reinforced by the use of:-

- a limited palette of materials and colours;
- clay plain tiles;
- white UPVC windows;
- pre-cast stone heads and cills;
- simple porches with timber posts;

16.4 It is considered prudent to control materials and architectural detailing by condition to ensure that these are delivered as expected and therefore complement the proposed composition.

For the reasons given above, it is considered that the design and layout of the proposed development conforms to the aforementioned development plan policies and the guidance set out in the NPPF.

#### Residential Amenity

16.5 Development Plan Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.

The 'Backland and Infill Development' SPD states that Access by vehicles or pedestrians should not cause an adverse impact on the amenity of the adjacent residents these impacts can include noise, vibration, impacts on road safety and visual impacts. Access arrangements that will result in significant nuisance to the residents of adjacent dwellings or cause problems of safety to road users will be resisted. The SPD requires the provision of a minimum of a 3m protection zone on either side of accesses to backland development.

16.6 Concerns have been raised by neighbouring residents in respect of overlooking, noise issues from the intensification of the use of the access, noise issues from the proposed development, light and air pollution.

16.7 The proposed dwellings are single storey in nature and as such it is unlikely that any overlooking would occur from the proposed development.

16.8 It is noted that the neighbouring properties at Nos. 89 and 93 King Harold Road are in close proximity to the access to the dwellings. The existing access serves one dwelling; the provision of five dwellings within the site would lead to the intensification of the use of the access. No. 89 King Harold Road is located some 0.3m from the access and No. 93 King Harold Road is located some 1m from the access. The proposal therefore fails to provide the 3m protection zone on either side of the access. However, it should be noted that the access is existing and the SPD refers to protection zones for new entrances. Furthermore, an Environmental Noise Assessment has been submitted with the application which concludes that the proposed development would not result in significant noise issues to the neighbouring residents. The Council's Environmental Protection Officer agrees with this conclusion and has not raised any objection to the scheme.

There are windows located in the flank elevations of the properties at Nos. 89 and 93 King Harold Road. However, these are either secondary windows or serve bathrooms/toilets. Under the circumstances, it is not considered that the proposal would result in such undue detriment to the residential amenity of these properties that a refusal on this basis could be successfully sustained on appeal.

Concerns have also been raised in respect of light and air pollution and light beams from headlights of cars. However, it is not considered that these would be so significant as to warrant a refusal. Furthermore, the Environmental Protection Officer has not raised any concerns in respect of these matters.

Similarly, with regards to loss of light and overbearing impacts, there is a healthy distance between the proposed dwellings and the neighbouring properties. Given the site specific circumstances and the design of the proposed development, it is considered that the proposed development would not result in any materially harmful impacts with regards to overbearing impacts, overshadowing, loss of light or loss of privacy to neighbouring occupiers. On this basis, it is concluded that the proposed development would not result in any materially harmful impacts on neighbouring amenities, thus complying with the afore-mentioned policy.

#### Trees, Landscape and Ecology

16.9 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Policy DP1 requires new developments to respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area. Development Plan Policy DP16 sets out requirements in respect of garden sizes and the provision of public open space. Central Government guidance on conserving the natural environment is set out in section 11 of the NPPF.

The applicants have submitted an arboricultural report. The Council's Tree Officer concurs with the findings of the report. The proposal requires the felling of three trees. Two of these trees are contained within a group rated as B category as per BS5837:2012 but as individuals would be rated lower. As such

the loss of these trees is considered to be of no significant detriment to the overall 'tree'd' boundary of the site.

It is also noted that due to the number of units proposed that the buildings are quite close to the trees to be retained (due to limitations in garden size) whilst this is likely to be within the 'allowed limits' it is likely that the eventual owners of the site may find the trees to be overbearing and there may be a perceived lack of light. As such a TPO has been made to ensure, should permission be given, that these trees are retained.

Subject to a condition requiring the retention and protection of the trees on site in accordance with the submitted Arboricultural Report, no objection is raised.

In respect of landscaping for the proposed development, subject to the condition recommended by the Landscape Officer, no objection is raised.

Objections have been received from local residents in relation to the loss of trees and adverse impact that this will have on the movement of wildlife.

The submitted preliminary ecological appraisal notes that with the exception of nesting birds, which are addressed by appropriate timing of works/precautionary methods of working, the site is unlikely to support any protected species, and no further surveys are recommended.

However, the report makes recommendations to ensure that foraging bats are not adversely affected by external lighting and measures to be taken to protect stag beetles and Species of Principal Importance.

Subject to conditions requiring these to be complied with, no objection is raised on Ecology basis.

#### Access, Parking and Highway Safety

- 16.10 The proposal provides adequate car parking for the proposed dwellings. 2 Nos. visitor car parking space have also been provided. Subject to a condition requiring the retention of the garage and parking spaces for parking purposes, no objection is raised in respect of parking provision. However concerns have been raised by neighbouring residents in respect of safety issues at the junction of the pavement and access. However, the Highway Authority has not raised any concerns in respect of this matter. Subject to conditions, the Highway Authority raises no objection to the scheme.

#### Private Amenity Space and Public Open Space

- 16.11 The proposal includes adequate private amenity space to accord with the requirements of adopted policy. Whilst it is noted that most of the amenity area for the Plot 4 is covered by the Tree Canopy and is not ideal, on balance it is not considered that a refusal on this basis could be successfully sustained on appeal.

## Contamination

16.12 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land. The support text to this policy notes that Colchester's approach to dealing with the development of land that could be contaminated is set out in 'Land Affected by Contamination: Technical Guidance for Applicants and Developers, 2nd Edition'.

16.13 A Homecheck Environmental Report has been submitted by the applicant which was prepared for Conveyancing purposes. This report indicates that no risks have been identified.

A verbal conversation with the Council's Contamination Officer has confirmed that there are no potential risks at this location.

## Refuse and Recycling

16.14 Policy DP12 requires the provision of an accessible bin and recycling storage area.

16.15 The proposal seeks to provide a bin collection point along the rear boundary of No. 93 King Harold Road. Whilst the location is acceptable in principle, the bin collection area needs to be located away from the boundary with some landscaping along the rear boundary of No. 93 to protect the amenity of the occupants at No. 93 King Harold Road. The proposed new tree needs to be removed and the bin area could be moved in that location.

16.16 A condition can be attached to any consent granted to provide appropriate details of the refuse/recycling bin area.

16.17 The Council's Refuse and Recycling team were consulted. Whilst no formal response has been received from them, they verbally confirmed that they had no objections to the scheme.

## **16.0 Conclusion**

16.1 Whilst the proposal does result in intensification of the site and subsequently the access which is in close proximity to the neighbouring dwellings, it is concluded that, on balance, the principle of the proposed development is acceptable. The proposed new dwellings are of a satisfactory design and scale with a traditional local character integrating it well into its surroundings, thereby providing a sense of place characteristic of the area. It is therefore concluded that the proposed development represents an acceptable form of development for this site and does not compromise the character and appearance of the wider area, neighbouring amenities or highway safety or efficiency to such a degree that would warrant a refusal.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee 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 638/1 Rev B, 638/2 Rev C, 638/3 Rev B, 638/4 Rev B, 638/5 Rev B and 01 (Landscaping Scheme) .

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

### **3. Z00 – Windows and Doors Inset**

All windows and doors in masonry walls must be inset at least 65mm and shall be fitted with sub-cills.

Reason: There is insufficient information provided in the submission to guarantee this key detail.

### **4. Z00 – Details of materials**

Details of all facing, roofing and external materials to be used (including bricks, pavers, tiles, gable to canopy and barge boards) shall be submitted to and approved by the Local Planning Authority prior to their use in the construction. The development must be then carried out in complete accordance with the approved details.

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

### **5. Z00 – Details of Canopies**

Notwithstanding the submitted details, further details for front canopies shall be submitted to the Local Planning Authority for approval in writing prior to their construction. The development must be then carried out in complete accordance with the approved details.

Reason: In order to ensure these prominent features are correctly detailed, noting there does not appear to be any horizontal support to the gable.

## **6. ZBF - Surfacing Materials to be Agreed**

Prior to the laying down of any surface materials to be used for all private, non-adoptable access ways, driveways, footpaths, courtyards, parking areas and forecourts, full details of these materials shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and where such detail are considered important to the character of the area.

## **7. ZCL - Surface Water Drainage**

No drainage works shall take place until details of surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason: To minimise the risk of flooding.

## **8. ZDA - \*General Removal of Residential PD Under Schedule 2 Part 1\***

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

## **9. ZDJ - Removal of PD for Loft Conversions on Single Storey Dwelling**

Notwithstanding the provisions of Classes B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwelling as hereby permitted shall be single-storey and no first-floor windows or rooflights shall be installed to give light to the roof void of the dwelling unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

## **10. ZKM - \*Residential Parking Spaces Retained\***

Prior to the first occupation of the development, the GARAGE(S) / PARKING SPACE(S) shown on the approved plans shall be made available for use for the parking of motor vehicles to be used solely for the benefit of the occupants of the dwelling of which it forms part, or their visitors, and for no other purposes whatsoever. The GARAGE(S) / PARKING SPACE(S) shall then be maintained free from obstruction and for this purpose at all times thereafter.

Reason: In order to ensure that the development retains adequate parking provision.

### **11.ZDM - Retaining Garage for Parking**

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

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

### **12.ZDN - Removal of PD for Open Plan Developments**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway.

Reason: It is considered that there is sufficient merit to justify control of frontages in order to maintain an open plan housing layout.

### **13.ZCE - Refuse and Recycling Facilities**

Notwithstanding the submitted details, a scheme showing the location of the refuse and recycling facilities for the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The approved scheme must be installed on site prior to the first occupation of the development and permanently retained thereafter.

Reason: To ensure appropriate provision of refuse and recycling facilities.

### **14.Z00 - Archaeology**

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).

### **15.ZGR - \*Light Pollution for Minor Development\***

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone E22 RURAL, SMALL VILLAGE OR DARK URBAN AREAS;

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

An acoustic fence on both sides of the driveway to reduce the noise from vehicles using the drive and also to protect from headlights/rear lights of passing vehicles. Environmental Protection would recommend the use of an acoustic consultant for the design of the fence.

Reason: To protect existing residents from possible nuisance due to the increased traffic from this development.

### **16. Z00- Landscaping**

No landscaping 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:

- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. REFUSE OR OTHER STORAGE UNITS, LIGHTING ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS;
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLE.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

### **17.Z00 - Landscaping**

The landscaping scheme pursuant to Condition 16 shall be permanently retained.  
Reason: To maintain the visual amenity/character of the area as proposed.

### **18. Z00 - Vehicular Access to the development**

Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be reconstructed to a width of 5.5m for at least the first 6m within the site tapering one-sided over the next 6m to no less than 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

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

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

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

### **20.Z00 – Construction Method Statement**

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

### **21. Z00 – Ecological Measures**

The measures as outlined in the paragraphs 5.18, 5.30 and 5.31 as outlined in the submitted Preliminary Ecological Appraisal shall be adhered to during the construction process.

Reason: In the interests of preserving the nature conservation value of the site.

### **22. Z00 – Lighting Scheme**

Prior to the installation of any external lighting, a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. Any lighting installed shall be fully implemented in accordance with the approved scheme and no other external lighting shall be installed.

Reason: To ensure that any lighting scheme would have a negligible impact upon foraging bats.

### **23.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, rear gardens but inclusive of the visually sensitive landscaping within the front 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; especially where there is a potential for the future occupants of the dwelling hereby approved to remove planting to the front of the properties and to ensure maintenance of the proposed hedging within the access to the properties.

### **24.Z00 – Tree Protection**

The development hereby approved shall be carried out in accordance with the submitted Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan issued by Haydens's Arboricultural Consultants and dated 21/03/2017.

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

### **25.ZFU - Tree Canopy Hand Excavation**

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

### **26.ZFS - Tree and Hedgerow Protection: General**

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.

## 18.0 Informatives

18.1 The following informatives are also recommended:

### **ZT0 – Advisory Note on Construction & Demolition**

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

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

No fires on site at any times

All necessary measures shall be taken to minimise dust, including damping down and the use of barriers.

### **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.



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**Item No:** 7.7

**Application:** 171236

**Applicant:** Mrs Elizabeth Simpson

**Agent:**

**Proposal:** Freestanding 'V' Agents Letting Board

**Location:** Street Record, Westway Northbound, Colchester

**Ward:** Castle

**Officer:** Sue Jackson

**Recommendation:** Approval

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

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

## **2.0 Synopsis**

2.1 The key issues explored below are the impact of the proposed advertisement in terms of its potential impact on the amenity of the area and on highway safety.

2.2 The application is subsequently recommended for approval

## **3.0 Site Description and Context**

3.1 The site is part of Westway close to the junction with Middleborough Roundabout. Members may recall planning permission was granted to the Council in 2015 for the erection of two office buildings on land at Sheepen Road/Westway. Temporary hoardings with advertising signage and letting information have recently been removed as one of the buildings is now complete and will be occupied in the near future. The "V" board is to replace the hoarding. Westway is a dual carriageway with the back gardens of houses in Sheepen Place opposite the site.

## **4.0 Description of the Proposal**

4.1 The proposal is for a single "V" shaped freestanding Agents Letting Board. The Board will be almost 3 metres above the ground with each element measuring 1.830.06m by 2440.00m. It will comprise aluminium panels with multi coloured text set on a white background.

## **5.0 Land Use Allocation**

5.1 The site is within a Mixed Use area on the Proposals Map.

## **6.0 Relevant Planning History**

6.1 151825 Erection of two office buildings - approved  
151826 Totem sign board to front of building- approved  
161291 Printed site hoarding - approved

## **7.0 Principal Policies**

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

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

CE2 - Mixed Use Centres

UR2 - Built Design and Character

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

## DP1 Design and Amenity

- 7.4 Some “allocated sites” also have specific policies applicable to them. SA CE1 Mixed Use Sites
- 7.5 The Neighbourhood Plan for Boxted / Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.
- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):  
External Materials in New Developments  
Shopfront Design Guide

## **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.

Highway Authority has no objection subject to informatives

## **9.0 Parish Council Response**

- 9.1 N/A

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties and no comments have been received.

## **11.0 Parking Provision**

- 11.1 N/A

## **12.0 Open Space Provisions**

- 12.1 N/A

## **13.0 Air Quality**

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

## **14.0 Planning Obligations**

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

## **15.0 Report**

- 15.1 Paragraph 67 of the NPPF states that ‘poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.’ It further states that ‘advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’

Local planning authorities are required “to exercise their powers under the Advertisement Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors. The definition of “amenity” includes both visual and aural amenity.

In assessing an advertisement's impact on "amenity", regard has to be had to the effect on the appearance on visual amenity in the immediate neighbourhood where it is to be displayed. It is therefore necessary to consider what impact the advertisement, including its cumulative effect, will have on its surroundings. “Public safety” is not confined to road safety. Crime prevention and detection are relevant; the obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is now included”.

It is considered that the impact of the advertisement, provided it is for a temporary period only, will not have an adverse impact on amenity. The immediate area comprises predominantly office development with the rear gardens of houses in Sheepen Place screened by a row of tall trees and separated from the site by Westway.

In assessing the advertisement's impact on "public safety", regard has to be given to the effect upon the safe use and operation of any form of traffic or transport. The proposed signage, by virtue of its location, is not considered to have an adverse impact on public safety, especially given that there is no illumination proposed and no objection has been received from the Highway Authority.

The application indicates the advertisement is proposed for the maximum period permitted of 5 years this is considered excessive and a 2 year consent is recommended.

## **16.0 Conclusion**

16.1 To summarise, The advertisement would result in no adverse impact upon the amenity of the area or upon public safety and it is recommended advertisement consent is granted subject to the conditions below.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is to grant advertisement consent subject to the following conditions:

- 1. This consent expires two years from the date of this decision and is subject to the following standard conditions:**
  - 1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.**
  - 2. Any structure or hoarding erected or used principally for the purpose of displaying**

advertisements shall be maintained in a safe condition.

3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

4. No advertisement is to be displayed without the permission of the owner of the site

or any other person with an interest in the site entitled to grant permission.

5. No advertisement shall be sited or displayed as to obscure, or hinder the ready

interpretation of, any road traffic sign, railway signal or aid to navigation by water or

air or so as otherwise to render hazardous the use of any highway, railway, waterway

or aerodrome (civil or military).

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

2. ZAM – Development to Accord with Approved Plans, “V” board drawing and site location plan 1:1250

## 18.1 Informatives

18.1 The following informatives are also recommended:

Informative1: The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging or adjacent to the highway which is considered to be an obstruction or a hazard to the safe and convenient passage of the public in the highway.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

