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Item No: 7.3

Application: 222429

Applicant: Mrs Rosemary Gates

Agent: Mr Robert Pomery

Proposal: Part demolition of former horticultural buildings, conversion of a Barn to Residential Use and the erection of 4 no. Dwellings with Garages and Access.

Location: Myland Lodge, 301a Mile End Road, Colchester, CO4 5EA

Ward: Mile End

Officer: Hayleigh Parker Haines

Recommendation: Approval subject to conditions and the completion of a Unilateral Undertaking

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee due to a Member call-in from Councillor Goss for the following reasons:

1. Access to the site is off Braiswick Lane and not in the outline of Mile End Road so the access is down terrible lane by 1, 3 and 5 Braiswick which is unmade road and a tight bend as well as tight road. The access isn't suitable for this amount of housing.
2. Dustcarts struggle to get down this lane, so access for building materials will be impossible.
3. Over development of the site.
4. Human rights - this will affect the existing residents and affect their quality of life.
5. Overlooking houses down Braiswick Lane - the Mersea Homes enclave is affected by both overlooking and access issue.

2.0 Synopsis

2.1 The key issues for consideration are the scale, form and layout of the proposal, alongside the impact on neighbouring amenity and highway safety.

2.2 It is considered that the proposed development would reflect the pattern of development within the area and is of an appropriate design and scale. Additionally, it is not considered that the proposal would represent an unneighbourly form of development. Furthermore, Essex County Council, subject to the inclusion of conditions, have not identified any harm in terms of the proposed access to the dwellings. These matters are discussed further, in the below report.

2.3 The application is subsequently recommended for approval, subject to a number of conditions.

3.0 Site Description and Context

3.1 The application site relates to a 0.45 hectare parcel of land which sits to and is accessed from the southern side of Braiswick Lane. The site is within the settlement of North Colchester and the Colchester Orbital and benefits from hedges to its western side, a fence to the boundary of Myland Lodge on its southern side and the access track and the gardens to the second row of houses on Mile End Road on its eastern side. To the north is a new close boarded fence separating it from a cul-de-sac of five recently constructed houses. The site is currently occupied by a number of barns

4.0 Description of the Proposal

4.1 Planning permission is sought for the partial demolition of the existing barns (brick built single storey barns to the east of the cluster) and the construction of four dwellings with associated garaging on site and the conversion of the remainder to provide a five bedroom dwelling. The access will be provided off of the main access on Braiswick Lane.

5.0 Land Use Allocation

5.1 Horticultural – former rose gardens

6.0 Relevant Planning History

071242 - Alterations and Change of Use of existing farm buildings to form Business Units (Class B1) - **Refused**

7.0 Principal Policies

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

7.2 Local Plan 2017-2033 Section 1

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG1 Colchester's Spatial Strategy
SG8 Neighbourhood Plan
ENV1 Environment
ENV5 Pollution and Contaminated Land
CC1 Climate Change
PP1 Generic Infrastructure and Mitigation Requirements
DM7 Agricultural Development and Diversification
DM9 Development Density
DM12 Housing Standards
DM13 Domestic Development
DM15 Design and Amenity
DM18 Provision of Open Space and Recreation Facilities
DM19 Private Amenity Space

DM20 Promoting Sustainable Transport and Changing Travel Behaviour
DM21 Sustainable Access to development
DM22 Parking
DM23 Flood Risk and Water Management
DM25 Renewable Energy, Water Waste and Recycling

- 7.5 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the City.
- 7.8 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
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Managing Archaeology in Development.
Developing a Landscape for the Future
Myland Parish Plan AND Myland Design Statement

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.

The **Landscape Officer** has raised no objection to the proposal subject to the inclusion of a landscaping condition to secure appropriate details.

The **Contaminated Land Officer** has raised no objection subject to the inclusion of a condition to ensure that unexpected contamination is reported.

Environmental Protection have raised no objection subject to the inclusion of a condition limiting the hours of work on site during the construction phase.

Essex County Council Highways have raised no objection to the proposal subject to the inclusion of a number of conditions

Essex County Place Services (Ecology) have raised no objection subject to a condition securing the appropriate mitigation as advised within the ecological appraisal.

9.0 Parish Council Response

- 9.1 The Parish Council have objected to the proposal. Full comments are available on the Council's website. However, a summary is provided below:
- Planning statement does not reference the Myland and Braiswick Neighbourhood Plan policy
 - No reference to the footpath

- No indication that the access route is suitable
- Concerns regarding management of construction traffic

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.

- Condition of Road will deteriorate further
- Suitability of private drive to serve additional dwellings and larger vehicles
- Pedestrian Safety
- Increased volume of traffic
- Mile End is over-developed
- Drainage concerns
- Wildlife
- Impact on neighbouring amenity during construction
- No reference to Neighbourhood Plan
- Neighbouring Amenity – Privacy, noise and over-shadowing
- Insufficient parking
- Inaccuracies within the planning statement
- Overdevelopment
- Traffic report redundant and not comparable to the site

11.0 Parking Provision

11.1 Each dwelling is considered to provide sufficient parking provision in line with the policy requirement, this will be discussed further below

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of potential direct or indirect discrimination.

13.0 Open Space Provisions

13.1 The proposed development includes appropriate provision of private amenity space and does not include the provision of any public open space, however given the relatively small scale of the proposal it is not considered that public open space (proportionate to the size of the site and scale of development) would be beneficial in terms of residential amenity; the parks and recreation team have not made any requests in this respect. Furthermore, appropriate landscape details will be secured via condition should the application be approved and this would enhance the public amenity of the site.

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.

15.2 Notwithstanding the above, should the application be approved a unilateral undertaking would be required to secure contributions for Community Facilities/RAMS as per our adopted SPD. An update will be provided in respect of Parks and Recreation.

16.0 Report

16.1 The main issues in this case are:

- Principle of Development
- Design and Layout
- Impact on the Surrounding Area
- Impacts on Neighbouring Properties
- Highway Safety and Parking Provisions (including Cycling)

5 Year Housing Land Supply

Section 1 of the Colchester Local Plan 2017-2033 was adopted by the Council on the 1 February 2021, with Section 2 being adopted in July 2022. The complete Local Plan carries full statutory weight as the development plan.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

The Tendring Colchester Borders Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery

Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5 year target of 4,830 dwellings (5 x 920 + 5%).

The Council's latest published Housing Land Supply Annual Position Statement (July 2022) demonstrates a housing supply of 5,074 dwellings which equates to 5.25 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied) which was calculated using the Standard Methodology. This relates to the monitoring period covering 2022/2023 through to 2026/27.

8. Five Year Supply Calculation

- 8.1** The table below illustrates the 5-year supply calculation for the district during the period between 2022/2023 through to 2026/2027.

Housing Need OAHN	
Annualised objectively assessed housing need (OAHN)	920
5 year housing requirement (5x920)	4600
5 year housing requirement and 5% buffer	4830
Supply	
Permissioned sites, existing allocations and windfall allowance	5074
Total number of years' worth of housing supply including emerging allocations	
Supply against OAN with permissioned sites, existing allocations and windfall	5.25

- 8.2** The calculation above demonstrates that the Council has a sufficient supply of deliverable housing to meet the 5-year requirement. A total of 5.25 years is deliverable within this period.

In accordance with paragraph 73 of the NPPF, the adoption of the strategic housing policy in Section 1 of the Local Plan the adopted housing requirement is the basis for determining the 5YHLS, rather than the application of the standard methodology.

Whilst the Council can demonstrate a five year housing land supply, the proposed development would of course contribute to the housing land supply.

Principle

The proposal would result in five residential properties at the site; Policies SP1, SG2 and DM15 state that development within the City is directed to sites within existing settlement development boundaries, with an emphasis within policy SP1 for a favour is presumption of sustainable development. The application lies within the defined development boundary for Colchester (North) and given its location within a built up environment, with easy access to public and sustainable modes of transport, via established footpaths with lighting, alongside the facilities offered within the vicinity of the site, it is considered that the principle of providing residential accommodation in this location is acceptable

Design and Impact on Character and Appearance of the Site and Surrounding Area

Policies SP7 and DM15 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. Policy SP7 states in particular that all new development must meet high standards of urban and architectural design. In addition, the additional dwelling within the rear garden would be classed as Backland and infill and therefore the Backland and Infill SPD is relevant.

The Council's Adopted Supplementary Planning Document (SPD) 'Backland and Infill' states that proposed building plots should be of similar dimensions in size and shape to the existing plots in the immediate locality. Proposals that would lead to overdevelopment of a site or the appearance of cramming will be resisted. Furthermore, the SPD sets out that the layout should create a sense of place and integrate well with the existing development.

The proposed layout of the site is considered to reflect that of the new development to the northwest of the site granted under the terms of application 132149 and would broadly integrate with that as shown on the indicative layout plan for the Chesterwell development provided under the terms of application 161537. It is noted that the main bulk of built form is to the north western corner of the site due to the proposed layout and associated garages to serve these plots, however again this is similar to the built form directly to the north and therefore, it is considered that the proposed layout of the site would be acceptable.

The design of each proposed dwelling is broadly traditional and is considered to be acceptable, this would reflect the site's former historic use whilst still providing an element of architectural/visual interest to each dwelling. The three different designed dwellings are considered to be cohesive and again add some form of interest to the proposed development which is not achievable from uniformed design; this also reflects the mixed design of residential development found within the surrounding area.

The garages are of a simplistic, single storey design and would be subservient to the host dwellings and therefore, would not result in an overly car dominant scheme.

The Myland and Braiswick Neighbourhood Plan Policy HOU1 requires housing to have a variety of choices, design and living styles that meet the needs of residents, and respect the scale and character of the existing streetscenes and environment. Taking into account the above assessment, it is not considered the proposal would conflict with the requirements of this policy

Impact on Neighbouring residential amenity

Policy DM15 requires all development to be designed to a high standard that protects and promotes both public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.

The application site is bordered by seven neighbouring properties; to the north are No 5, 11 and 13 Braiswick Road, to the east are 3 Old Rose Garden, No 1 and 3 Braiswick Lane, to the south is 301A Mile End Road. As advised above a mixed use development is proposed to the west of the site.

In respect of the neighbouring properties to the north; plots 2, 3 and 4 would sit the closest to the shared boundary. The proposed garages to serve plots 2 and 3 would sit close to the shared boundary however, due to the single storey nature it is not considered that these would represent an unneighbourly form of development.

Furthermore, given that the built form for plot 4 remains largely unchanged, it is not considered that this aspect of the proposal would represent an unneighbourly form of development. It is noted that a first floor window to the northern elevation is proposed which would serve an ensuite, this would provide some views of the neighbouring amenity space and therefore, a condition will be included to ensure this window is obscure glazed.

In respect of Plot 3 and the impact on No.11 Braiswick Lane, the proposed dwelling would sit 15 metres from the shared boundary with this neighbouring property and approximately 26 metres from the dwelling. Due to this degree of separation it is not considered that this aspect would represent an unneighbourly form of development in terms of loss of light or that it would have an overbearing impact on the neighbouring amenity space. It is noted that two first floor windows are proposed to the rear elevation of the proposed dwelling, however, the proposed garage would largely block any views of the neighbouring amenity space. Furthermore, given the degree of separation and that a minor level of overlooking is resultant in many estates of this density and nature, and is accepted; it is considered that the proposed first floor rear windows will not result in significant and unacceptable angles of outlook into private amenity spaces of this neighbouring occupier, to the detriment of their amenity

In respect of plot 2, the proposed dwelling would sit 5 metres from the shared boundary with 13 Braiswick Lane and 15 metres from the dwelling. Due to this degree of separation it is not considered that this aspect would represent an unneighbourly form of development in terms of loss of light or that it would have an overbearing impact on the neighbouring amenity space. Furthermore, no first floor windows are proposed to the northern side elevation of this property, and therefore, there are no concerns in respect of loss of privacy to this neighbouring occupier.

In respect of plot one, due to its central location and degree of separation from the existing neighbouring properties, it is not considered that this aspect of the proposal would represent an unneighbourly form of development in relation to any of the neighbouring occupiers. It is noted that there is a first floor window proposed to the southern side elevation of this dwelling serving a bathroom which would provide some views of Plot 5's amenity space and therefore, a condition will be included ensuring this window is obscure glazed.

Plot 5 would sit 3 metres from the shared boundary with 301A Mile End Road and 30 metres from the neighbouring property. Due to this degree of separation and the single storey nature of this proposed dwelling it is not considered that this aspect of the proposal would represent an unneighbourly form of development.

Plot 4 would sit 16 metres from the closest neighbouring property to the east, however, given that the built form for plot 4 remains largely unchanged, it is not considered that this aspect of the proposal would represent an unneighbourly form of development. It is noted that two roof lights are proposed to the front roofslope however, any views provided would be of the public frontage of the neighbouring sites and therefore, would not result in a material loss of privacy to these neighbouring properties. Plot 4 also includes 2 roof lights to the rear roofslope which would face the amenity space afforded to plot 3 – however a section drawing has been provided to show that these would sit 1.7 metres from floor level and therefore, it is not considered that these would result in a material loss of privacy to the occupants of plot number 3.

It is considered reasonable and necessary, in order to protect neighbouring amenity between plots, to remove permitted development rights for the construction of dormer roof alterations and the installation of roof lights, a condition will be included to this effect.

Private Amenity Space and Landscaping

Policy DM19 requires all new residential development to provide private amenity space to a high standard, where the siting, orientation, size and layout make for a secure and usable space. For houses of one or two bedrooms a minimum of 50m² of useable amenity space is required, for houses with three bedrooms a minimum of 60m² is required and for dwelling with four or more bedrooms a minimum of 100m² will be required.

Plots 1, 2 and 3 are four bedroom properties with plot 4 being a five bedroom property and therefore require an amenity space of 100m². Plot 5 is a three bedroom property and therefore, requires an amenity space of 60m². Each plot benefits from a rear amenity space of sufficient quality (including privacy) in excess of 100m² and therefore, there are no objections in this respect.

Limited details in relation to the hard and soft landscaping of the site, alongside the proposed boundary treatments has been provided however, a condition can be included to ensure appropriate details in respect of this can be secured.

Parking, Access and Highway Safety

Policy DM21 requires all new developments to seek to enhance accessibility for sustainable modes of transport. Policy DM22 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which is an adopted SPD (November 2009). This policy requires that a minimum of two parking spaces should be provided for each dwelling of two or more bedroom. Furthermore, 0.25 spaces per dwelling would need to be provided for visitor parking.

Plots 1, 2 and 3 are to be served by a detached garage which is shown to provide parking provision for two vehicles with internal measurements of 6.5 metres by 7.5 metres and would therefore comply with the minimum standards required by the standards of 7 metres by 3 metres. Additionally the hardstanding to the front would

also be suitable to provide another two spaces and therefore, there are no concerns in relation to adequate parking provision.

The proposal includes the extension of the existing access to serve the dwellings. Essex County Council Highways originally raised concerns due to the intensification of vehicular use of this track, adjacent to the public footpath however, additional information was provided during the assessment of this application and the Public Rights of Way team were also consulted on this, and no objection is raised to the proposal on Highway grounds subject to the inclusion of a number of conditions, which are recommended to be included should the application be approved. Furthermore, within the proposed development site, as shown on the block plan provided, a level 3 turning head is to be provided, which would allow sufficient maneuverability for larger vehicles such as refuse vehicles. Additionally, a condition has been included securing a construction management plan which requires details of the storage of materials, machinery and vehicles to be provided. Taking into account the above, it is not considered that there would be sufficient harm as per the NPPF's definition, to warrant the refusal of the application on Highway grounds.

Flood Risk/Drainage

Policies CC1 and DM23 state that development will be directed to locations with the least impact on flooding or water resources. Policy DM23 includes the provision that, where proposals include driveways, hardstanding or paving, the use of permeable materials and landscaping will be sought to minimize the cumulative impacts of flooding from such developments.

The application site sits within Flood Zone 1 and as the proposal site measures less than a hectare an FRA would not be required to support this application. Therefore, it is not considered that the proposal would have a harmful impact upon flooding or surface water drainage within the locality.

RAMS/ Habitat Regulations

Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site.

It is anticipated that, without mitigation, new residential development in this area could have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure, particularly when considered 'in combination' with other plans and projects.

The necessary financial contribution is proposed to be secured within the Unilateral Undertaking and therefore, it is considered that the appropriate mitigation will be secured, following the execution of this document.

Ecology

Policy ENV1 seek to conserve or enhance biodiversity of the City. Additionally, the National Planning Policy Framework states that if significant harm to priority habitats

and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

The application is supported by a Preliminary Ecological Appraisal prepared by T4 Ecology Ltd dated November 2021. This advises that three dusk/dawn bat activity and emergence surveys are conducted between mid-May and the end of September. During the assessment of this application an additional Bat Survey was carried out by Hybrid Ecology dated September 2022, Essex County Council Place Services have been consulted and have raised no objection in this respect.

It is not considered reasonably likely that Great Crested Newt species would be adversely affected by the development proposals and further surveys have not been recommended. However, given the habitats noted on/bounding site and biological records, further surveys in respect of reptile species have been advised. The survey methodology should comprise a minimum of 7 initial monitoring visits using artificial refugia mats. If reptiles are found, further visits may be required to establish population size, depending on the findings of the first 7. Surveys can be undertaken between March and early October in suitable conditions, with optimum survey periods comprising late March, April, May and September. During the assessment of this application an additional Reptile Survey carried out by Hybrid Ecology dated February 2023 has been submitted Essex County Council Place Services have been consulted and have raised no objection in this respect.

No active or inactive badger setts were found, with no evidence of badger activity identified. No surveys have been advised

As general guidance, the bird breeding season is from March to September. If works vegetation is proposed during the season, a check should be made for nests prior to works commencing. If nests are present, they should be left intact and undisturbed until the young have fledged

Small scale proportionate ecological enhancement have been recommended within section 5.2 and include:

- 1 x integral or external bird box per building;
- 1x integral or external bat box per building
- Installation of 1x invertebrate box per dwelling;
- Use of bat considerate lighting scheme;
- Planting of new trees and hedgerows;

It is also recommended that that boundaries remain relatively open such that wildlife can continue to radiate in the area. This includes the use of permeable boundaries such as tree lines and hedgerows, in addition to leaving hedgehog gaps in any new fencing proposals. Therefore, subject to the above mitigation measures being secured via condition, there are no concerns in terms of the impact of the proposal in respect of ecology.

UU Contributions

Communities have requested an amount of £19277.03 using the standard methodology for the dwelling mix, this would be contributed towards the improvement of the community Hall at the Well Methodist Church (0.4 miles from the development), these include the introduction of energy saving lighting, heating, air conditioning and additional equipment and construction of external storage area. This contribution request is considered to be CiL compliant and proportionate to the proposed development.

A Unilateral Undertaking has been submitted as part of this application, and subject to its execution, it is considered the relevant contributions have been secured.

To date, no contribution request has been received from Parks and Recreation and no projects have been identified. the Case Officer has followed up on this again and will update Members accordingly should details be provided prior to the determination of this application at committee.

17.0 Planning Balance and Conclusion

17.1 In terms of sustainability the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimizing waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

This stance is supported within Policy SP1. In relation to the economic role, the expenditure by future occupiers would help to support local services within Myland and the wider area. Also, in the short term the construction works could generate local employment and therefore, it is considered the scheme is likely to have a marginally positive economic impact. In terms of the social role, again it is considered the proposal would have a negligible impact as the dwellings are not strictly of a size required by the City and the provision of five dwelling does marginally support the community. Lastly, the environmental role, the site is located within the settlement

boundary and therefore future occupants are not considered to be reliant on the private motor vehicle to access everyday services and facilities, the design, scale form and layout is considered to be acceptable and reflective of other new developments within the area and is therefore, not considered to result in detrimental harm to the character and appearance of the surrounding area.

Taking into account the above, it is considered that the scheme would provide marginally positive impacts in term of the economic and social role and as no harm can be identified in terms of environmental impacts the scheme, is therefore considered acceptable and is therefore, recommended for approval

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the completion of a unilateral undertaking securing the relevant contributions to mitigate the impact of the proposed development, within 6 months from 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. Delegated authority to make non-material amendments to planning conditions as necessary. The Permission will also be subject to the following conditions:

1. Time Limit for Full Permissions

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

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

2. Development to Accord with Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 1350/08 Rev A, 16350/01 Rev A, 1350/07, 1350/06, 1350/05, 1350/04, 1350/03, 1350/02 and 1350/09

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Materials to be Agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these 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. – 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: None

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

5. Highways – Signage

No development shall take place including any ground works until “slow” and “pedestrians in the carriageway ahead” and additionally “construction works, plant and machinery ahead” temporary signs have been erected and maintained prominently and in clear view on both sides of the carriageway of Braiswick Lane 10m north-easterly before the junction with the Primary Vehicular Access (PVA) to the proposed development site and also at the junction of Braiswick Lane with Mile End Road, alerting construction vehicle drivers to potential pedestrians in the vicinity of the development site and alerting pedestrians on the footpath of construction activities ahead which shall remain in situ until all vehicles, plant and machinery has vacated the development site and all construction and fitting out phases are complete. The drawings shall be submitted as a scaled drawing to and approved in writing by the local planning authority

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way

6. Construction Management Plan

No development shall take place, including any site clearance, ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted as a scaled drawing to and approved in writing by the local planning authority. The approved plans shall be adhered to throughout the construction period. The plans 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

7. Foul Drainage

Prior to works above ground level, details of the foul drainage scheme shall have been submitted and approved in writing, by the local planning authority and shall subsequently be carried out in accordance with the details as approved.

Reason: In order to avoid unnecessary environmental, amenity and public health problems that could otherwise arise

8. Ecological Survey

The development hereby approved shall be carried out in strict accordance with the mitigation measures provided within the Preliminary Ecological Appraisal prepared by T4 Ecology Ltd dated November 2021, the Bat Survey carried out by Hybrid Ecology dated September 2022 and the Reptile Survey carried out by Hybrid Ecology dated February 2023.

Reason: Nature conservation interests to the amenity of the area

9. Ecological Enhancements

Prior to the occupation of the development hereby approved, the ecological enhancements as identified within the Preliminary Ecological Appraisal shall be installed and retained in perpetuity:

- 1 x integral or external bird box per building;
- 1x integral or external bat box per building
- Installation of 1x invertebrate box per dwelling;
- Use of bat considerate lighting scheme;
- Planting of new trees and hedgerows

Reason: To protect and enhance the biodiversity of the area in accordance with policy ENV1

10. Vehicular Access Prior to occupation

Prior to the occupation of any of the proposed development the Primary Vehicular Access (PVA) shall be a continuous extension of the existing carriageway which shall be provided at no less than the existing width and shall be provided as shown in Mark Perkins Drawing Numbered 1350/01A.

Reason: To ensure that there is a satisfactory access available at the time when the site becomes occupied in the interests of highway safety.

11. Vehicle Parking

The development shall not be occupied until such time as car parking has been provided in accordance with current Parking Standards together with a workable, convenient and efficient turning area. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles

related to the use of the development thereafter.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

12. Cycle Parking

The development shall not be occupied until such time as details of the provision for parking and storage of bicycles sufficient for all occupants and of a design that 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 within the site which shall be maintained free from obstruction and retained thereafter.

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

13. Vehicular Turning Facilities

Prior to any occupation of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety

14. Landscape Scheme

No part of the development shall be occupied until a scheme of hard and soft landscape works has been submitted to and agreed, in writing, by the Local Planning Authority. The submitted landscape details shall be in full compliance with the Councils Landscape Guidance Note LIS/B and include any significant changes in ground levels and also

accurately identify positions and spread of all existing trees, shrubs and hedgerows on the site; proposed planting; details of any hard surface finishes and external works. The implementation of all the landscape works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning

Authority. Any hard or soft landscape works which, within a period of, 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the

relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application

15. Unexpected Contamination Reporting

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason – The site lies on or in the vicinity of where there is the possibility of contamination

16. Removal of PD for Loft conversion

Notwithstanding the provisions of Classes B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or the equivalent provisions of any order revoking and re-enacting that Order), the dwellings as hereby permitted shall be two-storey and no 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: As this is the basis on which the application has been submitted to, considered and approved by the Local Planning Authority having had regard to the context of the surrounding area and the use of the roof void with external changes would need further consideration at such a time as it were to be proposed, in the interests of neighbouring amenity

19.1 Informatives

19.1 The following informatives are also recommended:

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.

Informative on Conditions Stating Prior to Commencement/Occupation

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

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

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Informative on works affecting the Highway

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 or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.