

Planning Committee Meeting

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

Thursday, 05 February 2015 at 18:00

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

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

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

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

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The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council, with the exception of Committee members at all meetings of the Planning Committee, Licensing Committee, Licensing Sub-Committee and Governance Committee. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Where permitted, Councillors' use of devices is limited to receiving messages and accessing papers and information via the internet.

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 use one of the contact details at the bottom of this page 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 vending machine selling hot and cold drinks is located on the ground floor.

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Material Planning Considerations

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

The following approach should be taken:

- 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.

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 Colchester’s own Local Plan documents
- Government guidance, case law, appeal decisions, planning history, “fallback” positions
- Design, scale, bulk, mass, appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations such as archaeology, listed buildings or conservation areas
- Environmental issues such as impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism
- Social issues such as affordable housing, accessibility, inclusion, education, recreation
- The ability to use planning conditions or obligations to overcome concerns

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 including 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
- unless they are “exceptional”, personal circumstances, including hardship

Strong opposition to a particular proposal is a common feature of the planning process. However, in the absence of substantial evidence of harm or support from the Development

Plan is unlikely to carry much weight. The same principles apply in reverse where there is strong support for a proposal that is contrary to the Development Plan and there is harm (or lack of substantially evidenced benefit).

Inspectors and Courts (see *North Wiltshire DC V SoS & Clover, 1992*) have established that precedent can be a legitimate consideration, but it is not enough to have a “general anxiety” and there has to be evidence of a real likelihood that similar applications (in all respects) will be submitted.

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 and Considering Reasons for Refusing Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework reinforces this by 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. However, not all development is acceptable and almost every permission will require planning conditions in order to make them acceptable. Some will remain unacceptable and should therefore be refused. Circular 11/95 (The Use of Conditions in Planning Permissions) and Circular 03/2009 (Costs Awards In Appeals And Other Planning Proceedings) set out advice on the government’s policy regarding the appropriate use of planning conditions and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. They derive from an interpretation of court judgments over the years and, although not planning law, are important material considerations. A decision to set them aside would therefore need to be well-reasoned and justified.

In terms of the Planning Committee, Circular 03/2009 makes it clear that “*Planning authorities 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*”.

The power to impose conditions is an important material consideration in any determination. Circular 03/2009 states that “*Whenever appropriate, planning authorities 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. The Circular adds that “*A planning authority refusing planning permission 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.*” Advice on the need to consider whether conditions may make a proposal acceptable which would be otherwise unacceptable is also to be found in Circular 11/95.

Any planning condition imposed on a development must be necessary, relevant to planning, relevant to the development to be permitted, reasonable, precise and enforceable. Unless conditions fulfil these criteria, which are set out in Circular 11/95, 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, Circular 03/2009 makes it clear that planning authorities must “*properly exercise their development control responsibilities, 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 public authorities act fairly and reasonably in executing their decision making functions, and that it is evident to all that they so do.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

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.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

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. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control
Advisory Notes for the Control of Pollution during Construction & 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**

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.

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.

Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

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**

- 1) 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.
- 2) 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**

- 1) 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. Dwelling houses

Use as a dwelling house (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 dwelling house 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 scrapyard 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), nightclubs, 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.

COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 05 February 2015 at 18:00

Member:

Councillor Theresa Higgins
Councillor Jon Manning
Councillor Peter Chillingworth
Councillor Helen Chuah
Councillor Pauline Hazell
Councillor Brian Jarvis
Councillor Mike Lilley
Councillor Jackie Maclean
Councillor Jessica Scott-Boutell
Councillor Laura Sykes
Councillor Julie Young

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not members of this Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-

Councillors Christopher Arnold, Nick Barlow, Lyn Barton, Tina Bourne, Roger Buston, Kevin Bentley, Nigel Chapman, Barrie Cook, Robert Davidson, Beverly Davies, Andrew Ellis, Annie Feltham, Bill Frame, Ray Gamble, Dominic Graham, Marcus Harrington, Dave Harris, Julia Havis, Jo Hayes, Peter Higgins, Margaret Kimberley, Cyril Liddy, Sue Lissimore, Kim Naish, Nigel Offen, Gerard Oxford, Philip Oxford, Will Quince, Rosalind Scott, Lesley Scott-Boutell, Peter Sheane, Paul Smith Dennis Willetts 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 Delayed Decision Protocol.

3 Substitutions

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

4 Urgent Items

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

5 Declarations of Interest

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

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

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

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

6	Minutes 8 January 2015	16 - 19
	To confirm as a correct record the minutes of the meeting held on 8 January 2015.	
7	Planning Applications	
	In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.	
7.1	146267 Fieldgate Building, Haven Road, Colchester	20 - 40
	New warehouse and offices	
7.2	146334 Hallfields Farm, Manningtree Road, Dedham	41 - 78
	Application for demolition of farm outbuildings and erection of nine affordable homes, eight market homes, associated works and access/parking amendments to application nos:112426 / 131074.	
7.3	130939 41 Priory Street, Colchester	79 - 97
	Demolition of existing works buildings, change of use from Light Industrial to Residential and erection of two semi-detached houses and seven apartments	
7.4	146380 39-43 London Road, Stanway	98 - 114
	Demolition of one dwelling and construction of one house and eight bungalows	

- | | | |
|-----|--|--------------|
| 7.5 | 146557 9 Barn Fields, Stanway | 115 -
119 |
| | Re-roofing existing conservatory together with new windows and intermediate supports | |
| 7.6 | 146318 364 Mill Road, Colchester | 120 -
126 |
| | Proposed 2 storey infill extension with part single storey rear extension. Construction of new outbuilding located in rear garden along rear boundary | |
| 7.7 | 146358 1 Hurnard Drive, Colchester | 127 -
132 |
| | First floor extension to side and front of property over existing ground floor. Single storey front extension. New windows to existing lounge and alterations to first floor front windows | |
| 8 | Exclusion of the Public (not Scrutiny or Executive) | |
| | In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972). | |

Part B

(not open to the public including the press)

Planning Committee

Thursday, 08 January 2015

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

Substitutes: No substitutes were recorded at the meeting

91 Site Visits

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

92 Minutes 18 December 2014

The minutes of the meeting held on 18 December 2014 were confirmed as a correct record.

93 145356 Clarendon Way, Colchester

The application was withdrawn for consideration at a later date.

94 146075 Coopers Beach Caravan Park, Church Lane, East Mersea

The Committee considered an application for the change of use of land for the storage of caravans and staff car parking at Coopers Beach Caravan Park, Church Lane, East Mersea. The application had been referred to the Committee because it was classed a Major application and material planning objections had been received. The Committee had before it a report and amendment sheet in which all the information was set out.

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

95 146340 High Street, Colchester

Councillor T Higgins (in respect of her membership of Fair Access to Colchester)

declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the change of use from loading and parking pay to market on market days at High Street, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report and amendment sheet in which all the information was set out.

Sue Jackson, Principal Planning Officer, presented the report and, together with Vincent Pearce, Major Development Manager, assisted the Committee in its deliberations. It was explained that, in response to the issue identified in the Amendment Sheet about deliveries on Market days, the Town Centre Project Manager had agreed that delivery hours on Market days would be extended to 7 or 8pm to accommodate the concerns raised.

Councillor Blundell attended and, with the consent of the Chairman, addressed the Committee. She welcomed the return of the market to the High Street in terms of colour and variety to the street scene but she was concerned that the siting of the stalls was proposed to be in the existing disabled parking bays. She was aware that there were proposals to relocate the disabled bays and that Culver Street West had been identified as a possible site for relocation but she sought clarification on this point. The Equality Act placed a duty on the Council in terms of facilities for people with disabilities and it was important that no added burdens were placed on members of the community who needed parking facilities in close proximity to the town centre. She requested the Committee consider imposing a condition on any planning approval to provide for six disabled spaces in Culver Street West.

The Principal Planning Officer and the Major Development Manager explained that the disabled parking relocation issue would need to be addressed by means of an informative whilst a condition could be considered relating to the use of the market not commencing until the relocation issue had been addressed.

Members of the Committee were generally supportive of the need to provide clarity in relation to the relocation of disabled parking spaces and a number of likely locations were suggested as potential solutions. Members also expressed a wish for the market provision not to be delayed to any added extent beyond the time required for the administration of Traffic Regulation Orders.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report as well as an additional condition providing for the market to not come into use until such time as appropriate arrangements have been made to relocate disabled parking provision lost on market days and an informative that the Committee would expect to see the relocated disabled parking spaces being located in a convenient location within the town centre.

96 146384 Former Gym, Circular Road South, Colchester

Councillor Hazell (in respect of her assistance in drawing up the original proposals for the site) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for reinstatement works following a major fire at the Former Gym, Circular road South, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report and amendment sheet in which all the information was set out.

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

97 145976 6 St Johns Green, Colchester

The Committee considered an application for the division of property into original entities and the conversion of one entity into a suite of consulting rooms. The application had been referred to the Committee because it had been called in by Councillor Feltham. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Nadine Calder, Planning Officer, presented the report and assisted the Committee in its deliberations. She explained that the description of the development contained in the report and further amended in the Amendment Sheet needed to be further updated to make reference to the creation of independent residential use and for psychological counselling (D1) plus an extra condition restricting the use of Unit 8 to psychological counselling and no other use within Class D1. This condition would also need to preclude the change of use from D1 or any other use which may constitute permitted development (residential use to be precluded).

Councillor Feltham attended and, with the consent of the Chairman, addressed the Committee. She explained that she had called in the application to support local residents who were concerned about the change of use being requested. She accepted that the facility could be of benefit for the town but was concerned about the siting of the proposal. She thought it was important to consider the increased footfall which was likely to have a detrimental impact and increased disruption for residents as the proposed use would be different to the existing bed and breakfast use. She also considered that the long operating hours during the week may have an adverse impact for the residents in the area.

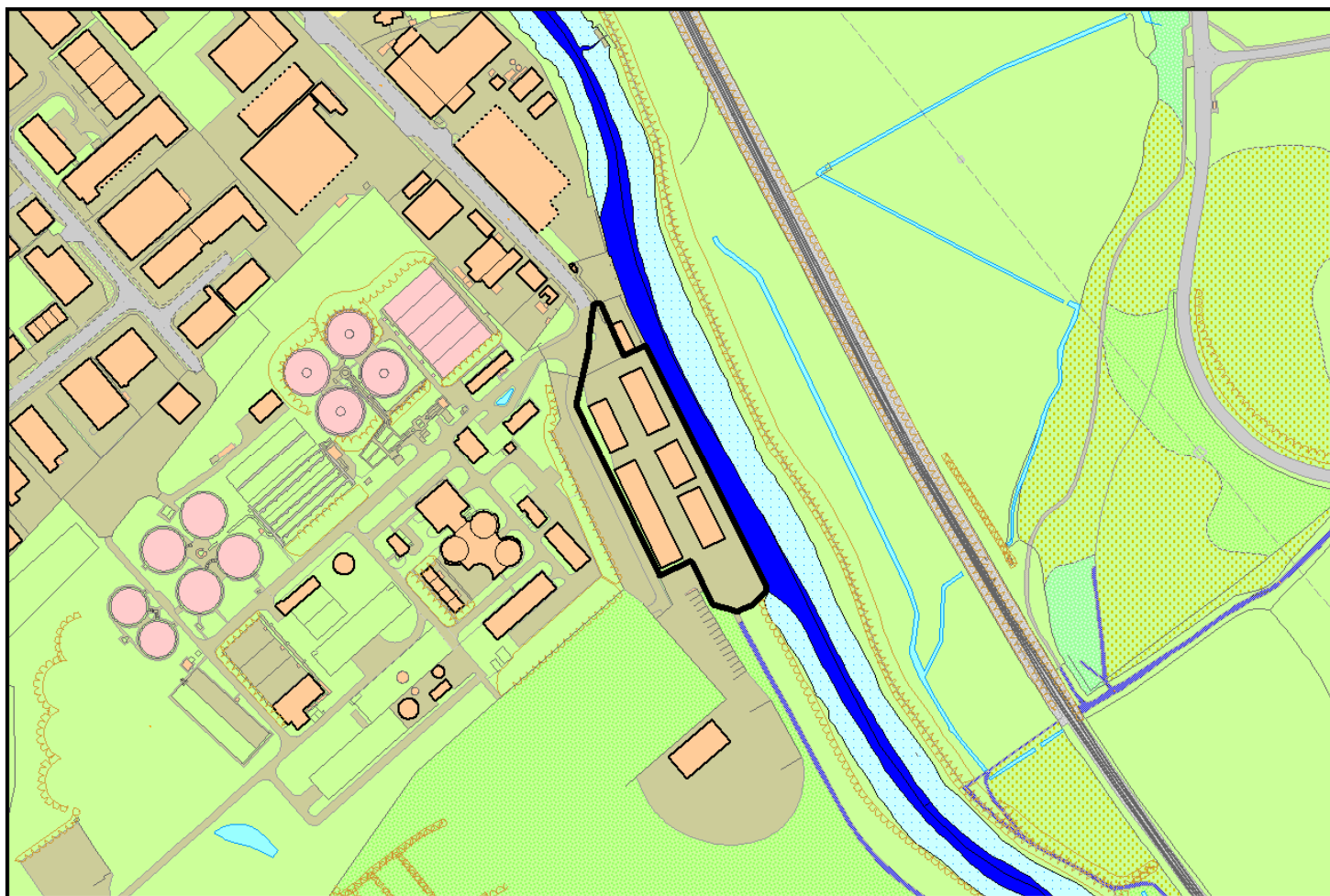
Members of the Committee referred to the location of a public house at the end of St John's Green which was in operation late at night and were of the view that the proposal

would not be unreasonable given this current situation. Reference was also made to the parking restrictions in the area and the need for clients to the proposed new use to be specifically directed the various nearby car parking facilities.

The Planning Officer confirmed that the Council's parking standards in this case did not require the provision of dedicated parking facilities. In response to a question about facilities for the disabled inside the property, she confirmed that there was scope to make provision at a later date, if required.

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

- (i) An additional condition restricting the use of Unit 8 to psychological counselling and no other use within Class D1 and precluding the change of use from D1 or any other use which may constitute permitted development (residential use to be precluded)
- (ii) An informative be sent to the Manager of the psychological counselling service to requesting that all clients are advised that there is no local on-street parking or off-street parking, that a range of public car parks are located in the vicinity and a map be issued on booking an appointment to help clients of the business locate parking spaces without the need to cause congestion in the St John's Green area.



Application No: 146267

Location: Fieldgate Building, Haven Road, Colchester, CO2 8JE

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **5 February 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson Due Date: 13/02/2015 MAJOR

Site: **Fieldgate Building, Haven Road, Colchester, CO2 8JE**

Application No: **146267**

Date Received: 14 November 2014

Agent: Steven Rylesm B3 Architects

Applicant: Ctruk Boats Ltd

Development: New warehouse and offices

Ward: New Town

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

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, representations have been received and a legal agreement is required to secure financial obligations.

2.0 Synopsis

2.1 The key issues explored below are the employment and regeneration benefits of the development, issues regarding the PROW, impact on adjacent protected landscape and planning obligations.

3.0 Site Description and Context

- 3.1 The site is rectangular with an area of 0.887 hectare. It is located at the end of Haven Road and has a frontage to the quay and the River Colne. It backs onto land used by Elvanite for recycling materials and beyond this is the Colchester Sewage Works. The site previously contained a number of warehouses which were unused for a number of years and fell into disrepair; the majority of these have now been demolished.
- 3.2 On the opposite side of the river is an area of open land which forms part of a SSSI over which runs the Wivenhoe Trail. Land on the opposite side of the river is also allocated for university purposes and the University of Essex Campus is visible from the site.
- 3.3 The site is close to the edge of the employment zone and beyond this is marsh land and agricultural land forming the coastal protection belt. This area also includes a local wildlife site.
- 3.4 The site is accessed from Haven Road which includes a range of large commercial buildings predominantly large sheds, and uses include the relocated bus depot, recycling uses and warehousing.

4.0 Description of the Proposal

- 4.1 The proposals involve the retention of one of the existing warehouses and its refurbishment. The retained warehouse will be linked to the new commercial building which will be used for the manufacture of boats. The new building will also link to new offices.
- 4.2 The retained warehouse has dimensions of approx 14.8m x 68 m and is 7.7m high. The new building (including offices) measures 23.2m x 94m and is 16.7 metres high. The building is located close to the river frontage, with its longest elevation facing the water, but separated from it by land forming the Rowhedge Trail. The offices are at the end of the building facing down river. Other areas of the site are proposed for parking, storage of boat moulds plus an area set aside for the launching of boats.
- 4.3 The new warehouse/workshop building is designed for maximum flexibility of the internal open space, to allow this it has a simple and uniform steel frame clad externally in a standard insulated panel system. The pitched roof will also use this same system. To be able to move the large boat moulds around the workshop, 2no. 5 ton cranes will be installed at high level on two independent rigs, fixed to the main steel frame of the building. Infusion / small mouldings tables will be situated on an independent first floor level platform that will be fixed back to the new steel structure as required.

- 4.4 The north west elevation includes large folding/sliding 'hanger' doors that face out onto the rest of the site. The office buildings is over four levels it will comprise a similar steel frame and insulated panel structure to the main workshop, but with a flat roof and large areas of glazing. The main entrance and vertical circulation core will be clad in glass extending through all four floors. There will also be full height glass cladding around the staffroom and production office at First Floor level, which will be extended to cover all three sides for the Second and Third Floor levels to get plenty of natural light.
- 4.5 The following documents have been submitted to support the application Design and Access Statement, Flood Risk Assessment, Environmental Desk Study & Preliminary Risk Assessment, Ecology Walk-Over Assessment, Economic Statement Foul Drainage Proposal and Travel Plan

5.0 Land Use Allocation

- 5.1 Regeneration Area, East Colchester Growth Area, Employment Zone, the site is adjacent to a riverside walk designation

6.0 Relevant Planning History

- 6.1 145797 - Application for prior notification of proposed demolition of existing warehouses

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
CE1 - Centres and Employment Classification and Hierarchy
CE3 - Employment Zones
UR1 - Regeneration Areas
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
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
DP22 Dedham Vale Area of Outstanding Natural Beauty
DP23 Coastal Areas

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010, amended 2014) policies set out below should also be taken into account in the decision making process:

SA EC3 Area 1: Former Timber Dock

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

Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments
Cycling Delivery Strategy

8.0 Consultations

8.1 Environmental Protection Contaminated Land Officer

“The report is a comprehensive ‘Phase 1’, desk-based study of the site. I note that it has been concluded that there are potential risks requiring further investigation and revised risk assessment (and, where found necessary, additional investigation/remediation) and that no other groundworks should commence until the soil and water contamination is fully understood: Environmental Protection therefore look forward to receipt of this additional information. I note that it is stated this report has been prepared at a time when there was no planning application, and assumes the conversion of unoccupied industrial buildings into a new boatyard, and that there will be no soft landscaping. I would therefore like any future reporting to confirm that the Conceptual Site Model for the application site does not alter any recommendations/conclusions made in this report.

Given the age of the existing buildings, I would expect the applicant to have undertaken sufficient assessment and surveying of buildings to fully identify any asbestos risks, in accordance with their obligations under *The Control of Asbestos Regulations 2012*, and I assume that this has been done.

We would recommend that the Environment Agency be invited to comment on potential risks to controlled waters or other relevant matters.”

8.2 Landscape Planning Officer

“In order to help soften the impact of the proposed development on the protected open landscape and PRowS on either side of the River Colne to the east and south of the site tree planting should be proposed to the southern end of the site. This best achieved by planting up the southern toe of the development site area with a planting mix complementary to the existing landscape character locally, e.g. a well spaced group of 3-5 *Populus nigra betulifolia* (native black poplar – an endangered riverside tree native to Essex that grows naturally in groups and has a wide spreading crown and a mature height of 20m+), this group under-planted a block of *Prunus spinosa* which would read as an extension of existing blocks of blackthorn locally. The overall group would at maturity fully screen the first 4m of the proposed building and filter screen the remaining southern face of the built form when viewed from the south.

Given the scale of the proposed built form the colour finish will need to be carefully considered and clarified, this should be such as to maximise camouflage of the built form by melding it into the colours and tones of the sites existing backdrop setting when viewed from the south and east (e.g. a muted gray set against the sky).

It is recommended the east and particularly the south facing windows to the proposed office building are clarified as specifically designed to reduced potentially adverse light spillage out onto the protected landscape, and that this and any other proposed lighting within the site is confirmed as complying with the relevant Institute of Lighting Professionals guidelines, this to help protect the landscape character and ecological value of these protected landscapes.

The site lies within Colchester Borough Landscape Character Assessment's Character Area D3, which recommends the conservation and restoration of the Area. It also gives planning guidelines for the Area which includes the following 2 recommendations:

- Ensure any new buildings and infrastructure, or any other redevelopment is of an appropriate scale, form, design, materials and uses colours that respond to landscape setting and landscape character;
- Conserve open views across the river and character area and ensure that new development does not detract from views.

The recommendations made under 1.3 & 1.4 above would arguably go a long way to satisfying these recommendations once the native black poplars mature.”

8.3 Environmental Protection

This site is in close proximity to Colchester Sewage Treatment works which can be a source of foul odours. Conditions controlling site boundary noise levels and the sound insulation of any buildings are recommended.

8.4 Highway Authority does not wish to raise an objection to the above application subject to the following:

- Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of any highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
Note: The public's rights and ease of passage over public footpath no139 (Colchester) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. Any unauthorised interference with the route will constitute a contravention of the Highways Act 1980.
- The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
Note: The Highway Authority shall look to secure a Travel Plan where a development will have 50 or more employees. In the interests of promoting sustainable modes of transport in accordance with policies DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- The Travel Plan, which must incorporate a scheme of monitoring by the Essex County Council must be supported by a non-returnable fee of £3000 payable by the Developer. Further advice is given in:
www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/Helping_you_create_a_business_travel_plan.pdf
- No works in connection with the proposed development shall commence until such time as the Local Planning Authority is in receipt of a sum of ten thousand pounds (£10,000.00) to go towards provision of the Rowhedge Trail Cycle Route.
Reason: To make adequate provision for the potential additional cyclists and pedestrians brought into this area by the relocation of the industry.

This condition requires a Legal Agreement between the Applicant/Developer and the Planning Authority using the powers in Section 106 of the Town and Country Planning Act, 1990.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

8.5 Natural England

"The Wildlife and Countryside Act 1981 (as amended)

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

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

Statutory nature conservation sites – no objection

This application is in close proximity to the Upper Colne Marshes Site of Special Scientific Interest (SSSI).

Natural England does not object to the proposed development, provided that the construction methodology employs appropriate measures to address water pollution and dust suppression, in view of the downstream proximity of the Colne Estuary SSSI, SPA, Ramsar, and the Essex Estuaries SAC, and also the Upper Colne Marshes SSSI. We are pleased to note reference to these guidelines in the Design and Access Statement (appendix C), and suggest that any planning permission should secure such an appropriate construction methodology through a suitably worded planning condition.

We further advise that the Upper Colne Marshes SSSI is likely to provide supporting habitat to the over-wintering birds, particularly during severe winter weather. Such "functional land" receives similar protection under the Habitats Regulations. As such we advise that the construction methodology avoids noisy demolition or construction activities (such as piling) during the core winter period of December to February. Should this prove problematic, further advice should be sought from Natural England.

Protected species

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

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

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

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

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England [Green Infrastructure web pages](#).

Local sites

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs).

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

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 Two representations have been received:

Colchester Cycling Campaign We welcome a new business coming to Colchester. We request that the footpath across this site and the diversion is made into a bridleway as it forms part of the Rowhedge Trail, which we hope will become a cycle/foot route from the Hythe to Rowhedge in line with the CBC/ECC cycling delivery strategy. We note the company's need for occasional temporary diversion of the original route of the path. We request cycle parking to ECC standards and a contribution towards the development of the Rowhedge Trail.

The Ramblers: We are delighted that the Application acknowledges the Public Right of Way, Public Footpath Colchester 139. However we are concerned at the proposed repeat temporary diversions to allow for the launching of vessels. We do not doubt that a diversion will always be made available but we don't know of a legal way to arrange for this. Even a small temporary diversion from the Definitive route of a Public Right of Way requires a Traffic Regulation Order and I cannot imagine the company would wish to make a fresh one each time. We suggest you read <http://www.essexhighways.org/Transport-and-Roads/Getting-Around/Walking/Public-Rights-of-Way/Making-changes.aspx> and subsidiary pages and consult your Highways colleagues.

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

11.0 Parking Provision

11.1 48 parking spaces are indicated.

11.2 The application information indicates parking provision has been made for the existing workforce on the proposed site, with future allowances for 13 spaces to be adapted for charging electric cars during the day. The Travel Plan expands on the proposed means of transport to the site for the current employees over the next year. This takes into account the phased moving of the workforce from the existing site to the completed building. This will be assessed over the coming year to encourage local employees to use more public transport, cycle routes, or increased car sharing.

11.3 The parking standard for commercial uses is a maximum.
B8 warehouse 1 per 150 sq.m a total of 27 spaces
B2 industrial 1 per 50 sq. a total of 80 spaces
B1 offices 1 per 30 sq. the application includes approx 270sqm of office floorspace

11.4 As the proposed use involves a combination of warehouse, industrial and office use the 48 spaces proposed are acceptable.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- a contribution of £10,000 towards the Rowhedge Trail
- A contribution of £27,306 (inc. VAT) for the installation of a CCTV wireless camera, column electricity and contribution to associated operation and maintenance
- Membership of Colchester Travel Plan membership fee is £1500 per annum index linked for 5 years (this fee is based on 50 staff and could rise if staff levels increased) plus a monitoring fee of £3,000 to ECC

15.0 Report

Employment Regeneration Issues

15.1 Members will be aware that many of the traditional industrial uses in this area of Colchester have declined. Whilst new uses have moved into the area they do not require a river location and as a consequence the vitality of and activity along the water front has been lost.

15.2 The Economic Statement includes the following explanation “The applicant CTruk design and build a range of high-speed marine craft and has established itself as a market leader for the provision of twin-hulled composite vessels for the UK offshore wind sector. The company established in 2010 with just three employees, and the Brightlingsea business now employs 70 people, with 11 new jobs created in the last year – including two new apprentices. Since 2010 the company has delivered 17 vessels for the offshore wind sector but demand has reached a stage where capacity and the size of new vessels required by the sector need to be manufactured in a new appropriate and scaleable production facility. The development will see the relocation of 57 of the current workforce from Brightlingsea to Colchester,

15.3 This proposal will help invigorate the maritime tradition of the area, bringing high-tech manufacturing which are sustainable to a highly appropriate location. The development will help to meet the need for new, full-time sustainable jobs within the immediate East Colchester Regeneration Area, surrounding communities and the Borough at large for a growing working-age population”.

Design and Layout

- 15.4 The new building will be constructed using a steel portal frame, clad externally using a composite cladding panel system. It will be extended to create the link between the new and existing warehouses. The office section of the new building work will be clad at low level, with large glazed sections extending from ground to third floor over the entrance and circulation space. The glazing will be extended on the first floor and above to allow the office spaces to be naturally lit. The proposed office block to the south of the main warehouse will tie into the overall new development with a similar height to the main warehouse. Using the same cladding at the lower levels will help relate to two building to each other, with glazing to the offices helping to identify the difference between the two parts of the sites operations.
- 15.5 The design of the building in particular the office element is of a higher standard than the majority of existing buildings along this part of Haven Road and is acceptable.

Scale, Height and Massing

- 15.6 The building at 16.7m is higher than the retained warehouse and other buildings along this part of the river frontage. However a building of this height is required to meet the functional requirements for CTruk's boat building facilities and the size of vessels involved.

Impact on the Surrounding Area and Amenity Provisions

- 15.7 Land to the north east and south east is protected landscape and comprises flat and open marsh and farm land. Whilst Natural England has not objected to the application they refer to the Council's responsibilities in enhancing landscapes and biodiversity.
- 15.8 The building will be visible when the Hythe is approached from the Wivenhoe trail and Rowhedge trail. Whilst it would be seen against the backdrop of other buildings and uses, nevertheless it will stand out against the skyline. The site will also be visible from the University of Essex which is on higher land.
- 15.9 It is not possible to screen the building and there is limited scope within the site for landscaping. However the Landscape Officer has recommended a planting mix complementary to the existing landscape character locally and suggests a group of native black poplar under-planted with a block of blackthorn. This group would at maturity fully screen the first 4m of the proposed building and filter screen the remaining southern face of the built form when viewed from the south. This planting would both enhance the environment and improve opportunities for biodiversity.

Impacts on Neighbouring Properties

- 15.10 The proposed development will have minimal impact on neighbouring properties

Highway Issues

- 15.11 Members will note the Highway Authority has raised no objection subject to a number of conditions, informatives and securing a financial contribution. One of the informatives requires the public's rights and ease of passage over the public footpath to be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- 15.12 The application documents make it clear there is a requirement to launch completed vessels into the river, and run them down to the rivers and sea beyond for testing and then distribution. It is estimated launching will take place on approx 6 occasions in the first year increasing to 12.
- 15.13 The following explanation is submitted "It is proposed launching of the completed boats will occur during the high water spring tides. This will require closing the public footpath that runs alongside the quay for a few hours to ensure the health and safety of the general public. Provisions will be made to allow the footpath to be redirected around the edge of the site to join up with the footpath on the other side during this operation. It is believed that this will cause minimal disruption as this will occurring during normal working hours when the footpath is least active".
- 15.14 Colchester Cycling Campaign and The Ramblers have both referred to the closure of the public footpath when boats are launched. The details of any temporary closures will have to be agreed with ECC Public Rights of Way team and this issue does not affect the determination of the planning application.

Planning Obligations

- 15.15 The applicant has confirmed their intention to carry out improvements including the provision of life saving equipment and safety fencing and £10,000 will be allocated for these improvements. The provision of a CCTV camera will also benefit users of the trail. The applicant has agreed membership of the Colchester travel plan. It is considered this package of obligations is acceptable.

16.0 Conclusion

- 16.1 The application will bring boat building back to the River Colne. The relocation of the business will bring jobs into the regeneration area. There is the likelihood additional jobs will be created as this site will allow the business to expand. Whilst the building is large and it will be visible in the landscape it is considered that overall the benefits of the use and the requirement for a building of this size and location outweigh its visual impact.

17.0 Recommendation

17.1 APPROVE subject to no objections being raised by the Environment Agency planning permission be granted subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 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 Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- details of a scheme of improvements to the river frontage to be submitted to and approved by the Council to a value of at least £10,000
- The applicant to be responsible for funding the installation of a CCTV wireless camera, column electricity and associated operation and maintenance
- Membership of Colchester Travel Plan membership fee is £1500 per annum index linked for 5 years (this fee is based on 50 staff and could rise if staff levels increased) plus a monitoring fee of £3,000 to ECC

17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 Positivity Statement

18.1 WA1 – Application Approved Without Amendment

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

19.0 Conditions

1 - 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 5985/01 rev A, 12rev B, 13 rev B, 14 rev B, 15rev B, 16 rev B and 17 rev B.

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

3 - *Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- TREE PLANTING TO THE SOUTHERN END OF THE SITE. THIS WILL RESULT IN THE LOSS OF PARKING SPACES ON THIS BOUNDARY. THE PLANTING MIX TO INCLUDE A WELL SPACED GROUP OF 3-5 POPULUS NIGRA BETULIFOLIA UNDER-PLANTED WITH A BLOCK OF PRUNUS SPINOSA, OR ALTERNATIVE SPECIES APPROVED IN WRITING BY THE LOCAL PLANNING AUTHORITY
- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

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

4 - Landscape Management Plan

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

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

5 – Non Standard Condition

Notwithstanding any details shown within the submitted application, this permission expressly excludes the colour and finish of the external materials. No works shall take place until details of all materials have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out using these approved materials.

Reason: Given the scale of the proposed built form the colour finish will need to be carefully considered and clarified to ensure the building has minimum visual impact on the adjacent protected landscape.

6 - Non-Standard Condition/Reason

Prior to the first Occupation/Use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development, including the offices windows, floodlights and all other external lighting (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ1 AONB/protected landscapes shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the landscape character of the adjacent protected landscape and the ecological value of the these protected landscapes.

7 - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

8 -Sound Insulation on Any Building

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

9 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of any highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11 - Non-Standard Condition/Reason

The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

12 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

13 - Non-Standard Condition/Reason

Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14 - Non-Standard Condition/Reason

No works shall take place until a scheme of biodiversity enhancement measures, including implementation timetable, has been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To secure biodiversity enhancements appropriate to the location of the site adjacent to the . Colne Estuary SSSI, SPA, Ramsar, and the Essex Estuaries SAC, and also the Upper Colne Marshes SSSI.

15 - Non-Standard Condition/Reason

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
- water pollution; 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, to ensure that amenities of the area are protected and to ensure the construction does not have an adverse impact upon the Colne Estuary SSSI, SPA, Ramsar, and the Essex Estuaries SAC, and also the Upper Colne Marshes SSSI.

16 - Non-Standard Condition/Reason

No noisy demolition or construction activities (such as piling) shall take place during the core winter period of December to February except with the prior written consent of the local planning authority in consultation with Natural England.

Reason to ensure the construction does not have an adverse impact upon the Colne Estuary SSSI, SPA, Ramsar, and the Essex Estuaries SAC, and also the Upper Colne Marshes SSSI.

17 - Non-Standard Condition/Reason

No works shall take place until details of the provisions to be made when boats are being launched has been submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory form of development.

18 - Non-Standard Condition/Reason

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

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

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

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

19 - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

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

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

20 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

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.

21 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 20.

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.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**
PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) The public's rights and ease of passage over public footpath no139 (Colchester) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. Any unauthorised interference with the route will constitute a contravention of the Highways Act 1980.

(5) The Highway Authority shall look to secure a Travel Plan where a development will have 50 or more employees. In the interests of promoting sustainable modes of transport in accordance with policies DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

(6) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

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

(8) 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.

(9) PLEASE NOTE that the site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Tiered risk assessment shall be carried out in accordance with the procedural guidance and UK policy relating to the contaminated land regime.

Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an "Appropriate Person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination. Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public, property and the environment are protected against noise, dust, odour and fumes.

The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of at an appropriately licensed landfill site.

The Local Planning Authority will provide a Validation Certificate mentioned in Condition 21 for completion by the applicant/developer. This certificate will not only provide confidence in the site for the local authority in terms of development control and the Part IIA regime but will help discharge conditions applied by the approved inspector and also provide confidence for solicitors and homebuyers in the conveyancing process.

(10) Given the age of the existing buildings the applicant is advised to undertake an assessment and survey of the buildings sufficient to fully identify any asbestos risks, in accordance with their obligations under The Control of Asbestos Regulations 2012.



Application No: 146334

Location: Hallfields Farm, Manningtree Road, Dedham, Colchester, CO7 6AE

Scale (approx): 1:1250

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7.2 Case Officer: Sue Jackson

Due Date: 20/02/2015

MAJOR

Site: Hallfields Farm, Manningtree Road, Dedham, Colchester, CO7 6AE

Application No: 146334

Date Received: 21 November 2014

Agent: Mr N. Campbell, ADP Ltd

Applicant: Mr J. Hills

Development: Application for demolition of farm outbuildings and erection of 9 affordable homes, 8 market homes, associated works and access/parking amendments to App. Refs:112426/131074

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval subject to the signing of a Section 106 Agreement

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 Cllr Mark Cable. The following reasons are given "There are very strong concerns regarding the sewage capacity coming from Manningtree Road, which has a long history of issues which are still ongoing. This needs to be thoroughly investigated and a proper solution proposed before consideration for such a sizeable development is given. I am also very concerned that 106 money is not being considered for the application it is a significant development and 106 should apply regardless".

2.0 Synopsis

- 2.1 The key issues explored below are the relevant policies regarding affordable housing, viability, design and layout, and impact on residents' amenity, the AONB and heritage assets. The report concludes that the principle of development is acceptable and the recommendation is approval subject to a legal agreement being signed.

3.0 Site Description and Context

- 3.1 The site has an area of approximately 0.9 hectares and is an irregular shape. It has a frontage of approximately 40 metres onto Manningtree Road and widens to 125 metres further into the site where it extends behind frontage dwellings and then narrows again where it backs onto a PROW. It is located some 120 metres from the junction with Brook Street and approximately 600 metres from Dedham village centre.

- 3.2 The north, front boundary, faces towards Roman Place it also extends behind Hallfields Cottage and Appletree Cottage; these properties front Manningtree Road. The staggered rear boundary abuts the rear garden of Crown House, Crown Street and the PROW which separates the site from the rear gardens of houses in Forge Street. The latter erected by the Local Authority in the 20th century. The staggered west side boundary abuts rear gardens of properties in Crown Street and Hallfields bungalows. These bungalows are set behind the road frontage. The east side boundary abuts farm land. A PROW, comprising a continuation of the path to the rear of Forge Street crosses the farmland some 150 metres to the east of the site and joins Manningtree Road.
- 3.3 The site consists of an open yard area and contains several non-traditional farm buildings plus a traditional red brick building on the road frontage; all of which would be demolished. Hallfields Farm has been sold off in a number of parcels and the yard presently has an unkempt appearance.
- 3.4 There is access onto the road at the east end of the frontage next to Hallfields Cottages. There is no footway adjacent to the site to the junction with Brook Street but there is a footway on the opposite side of the road.
- 3.5 There are a number of trees on the site and hedgerows along the boundaries.
- 3.6 Development in the immediate vicinity comprises 'Constable Row', a residential development erected as a rural exception site and Roman Place another rural exception site. This contains residential units plus Dedham Health Centre. Brook Street and Crown Street contain larger dwellings set in large plots. Hallfields Bungalows are single storey, red brick properties that face Sanders Cottages which together form an attractive group of buildings behind the road frontage. Appletree Cottage, a replacement dwelling, lies at the end of the line of dwellings along Manningtree Road and it's side elevation is quite prominent in the wider landscape.

4.0 Description of the Proposal

- 4.1 The application seeks full planning permission to erect 17 dwellings. Eight of the dwellings are open market units and 9 are affordable dwellings. The breakdown of units is as follows;
- Market units 6 No. 4-bed and 2 No. 2-bed
Affordable units 1 No. 3-bed, 4 No. 2-bed and 4 No.1-bed.
- 4.2 It is intended that the open market housing will cross-subsidise the cost of providing the affordable units.
- 4.3 The layout plan indicates the development served by a reconfiguration of the existing access with a single unit facing the road. On the east side of the road is an area of open space identified as "north green" The access then leads to a small group of dwellings and detached units arranged around informal spaces; each with its own distinct traditional style and character. Development within the site comprises a group of four "almhouses" and a "farmstead complex" comprising 5 units 4 being of a single-storey with a taller 2-storey unit at one end of these units. A pair of single storey units described as "cattleshelters" in style, back onto existing dwellings. Development within

the site also includes three detached dwellings and a linked pair. The detached and linked dwellings have either detached garages or covered cart lodges. Parking for the other units is arranged in small parking areas. In terms of open space, in addition to the “north green” a small orchard is proposed and a second green on the east boundary with the AONB.

- 4.4 The application documents include a Design and Access Statement, a Summary of Public Exhibition Feedback and Presented Sheets, Transport Statement, Heritage Asset Planning, Highway Design, GEO-Environmental Desk Study Report, Arboriculture Report, Landscape Assessment, Ecological Assessment, Pre-Planning Assessment Report by Anglian Water and Archaeology correspondence
- 4.5 The Public Consultation states “Hills Residential have been engaged in continued dialogue with Dedham Parish Council and have attended numerous meetings prior to the Public Exhibition held at the Duchy Barn, Dedham on 9th September 2014. This event was widely advertised in the local press, internet news web sites and Parish Council Newsletters. As a result of which the exhibition was well attended and considerable feedback received. A summary of the exhibition responses can be found in Appendix 2. A common motivation for attending was the issue of Affordable Housing Need & the subsequent requirement for cross funding by Market Housing. This point was clearly explained in person & via the presented information.

5.0 Land Use Allocation

- 5.1 The site abuts but is outside the village settlement boundary envelope. It also abuts the conservation area.
- 5.2 The site is in the Dedham Vale AONB.

6.0 Relevant Planning History

- 6.1 110983 outline application for the erection of 13 dwellings refused planning permission for the following reason (summarised)

The application proposes the erection of 13 dwellings on land outside the village envelope within the Dedham Vale AONB and does not comply with normal policy requirements for a rural exception housing site or affordable housing. The development would adversely affect the AONB by urbanising the edge of the settlement by increasing the amount and height of the built form and extending it away from the area of existing buildings into open countryside). The application documents do not properly assess the context of the site.

The application fails to include a mechanism to secure the required financial contributions.).

The developer has not demonstrated to the satisfaction of the Highway Authority that the highway access arrangements, traffic generated by the proposed development, impact on the highway network and proposed mitigation and accessibility to local services, facilities and public transport are acceptable in terms of highway safety, capacity and accessibility. the following policies

- 6.2 F/COL/05/1899 Erection of new building comprising of health facility, 3 x 2 bed flats – affordable housing approved

- 6.3 112426 conversion of redundant farm office/workshop to single storey dwelling (renewal of 081889), approved December 2008
- 6.4 131074 permission to replace redundant farm office/workshop to provide a single storey dwelling rather than convert as currently approved - extant planning permission 112426 approved
- 6.5 COL/92/0510 Construction of 4. no semidetached dwellings (2 pairs) affordable village housing 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) and allied Practice Guidance must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

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

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP8 Agricultural Development and Diversification
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP22 Dedham Vale Area of Outstanding Natural Beauty

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010, amended 2014) policies set out below should also be taken into account in the decision making process:

SA H1 Housing Allocations

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

Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Dedham Parish Plan December 2011
Dedham Village Design Statement November 2007
Dedham Vale AONB Management Plan 2004 revised 2010

8.0 Consultations

8.1 Planning Policy Team Comments:

The proposal is for a rural exception site outside the Dedham settlement boundary. The Council's rural exception policy allows affordable homes to be built in rural locations where development would not otherwise be considered.

The National Planning Policy Framework (NPPF) introduced new guidance for local planning authorities in respect of rural exception sites:

'In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.'

The NPPF defines rural exception sites as:

‘Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.’

The language used in the NPPF makes it clear that the market component of any proposed scheme should be ‘essential’ to the delivery of the affordable housing. In this respect the affordable element should be the basis of any proposal and the market element only allowed on the grounds of achieving overall scheme viability, without which the scheme would be considered unviable. In a similar vein Policy H4 of the Council’s adopted Core Strategy (revised July 2014), states:

‘...Information to demonstrate that the market housing is essential to cross-subsidise the delivery of the affordable housing and that the development would not be viable without this cross-subsidy will be required. At the scheme level, the number of open market units on the rural exception site will be strictly limited to only the number of units required to facilitate the provision of significant affordable housing units on a rural exception site...’

Policy H4 seeks to prevent rural exception schemes from being used as a vehicle to secure private development in previously unattainable rural locations provided the minimum number of affordable homes is included. Whether or not the amount and type of market housing adheres to the principle behind Policy H4 will require close analysis of the applicant’s viability evidence. This is especially so bearing in mind that the viability evidence submitted is the justification for not providing any planning contribution payments. Given the apparent local need for smaller units for older residents to downsize to, it should be considered whether smaller units are capable of making the scheme viable as opposed to larger, more expensive housing.

It is important that the affordable element of the scheme reflects local needs because the affordable homes on a rural exception site are intended for occupation by local households. It is understood a housing needs survey has been carried out by Dedham Parish Council and the results of this survey should directly inform the housing mix proposed. The views of the Council’s Affordable Housing Development Officer should be taken into account when considering to what extent the proposal meets the needs of the local area.

Finally any impact on the surrounding area in terms of heritage assets and landscaping implications should be mitigated through conversations with the relevant Council officers.

In summary the Planning Policy Team is supportive of rural exception schemes such as the one proposed as a means to deliver much needed affordable housing, provided the scheme satisfies the key requirements of being predominately affordable and reflects local housing needs.

8.2 Affordable Housing Development Officer

The Affordable Housing needs of Dedham were identified in the Rural Community Council of Essex's (RCCE): Dedham: Housing Needs Survey 2012. A need of 9 homes were recommended by the Housing Needs Survey as having a housing need in Dedham with the mix being 4x 1 bed, 4x 2 bed and 1x 3 bed.

The proposals incorporate the local need of Dedham as outlined in the Housing Needs Survey and we are fully supportive of the work carried out by the RCCE and that the needs of the local area are met by this application.

8.3 Anglian Water

ASSETS

Section 1 – Assets Affected

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Dedham Water Recycling Centre, which currently does not have the capacity to treat the flows from your development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

Section 3 – Foul Sewerage Network

3.1 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 – Surface Water Disposal

4.1 The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency. We request that the agreed strategy is conditioned in the planning approval.

Section 5 – Trade Effluent

5.1 Not applicable.

8.4 Landscape Planning Officer

I am satisfied with the landscape content of the proposals lodged on 21.11.14, principally the Arboriculture Report, and Landscape Character Assessment forming part of the Design and Access Statement. The following conditions are recommended once proposals have been agreed and/or as part of any planning consent given.

ZFB – Full landscape proposals TBA

ZFE – Landscape management plan

8.5 **Archaeology Officer**

The proposed development lies to the east of the historic town of Dedham, within the Dedham Vale Area of Outstanding Natural Beauty.

The Colchester Borough Historic Environment Characterisation Project illustrates the archaeological importance of this area. The area is dominated by a number of multi-period crop mark complexes. Around Pound farm there is a concentration of ring ditches, enclosures, linear boundaries and trackways indicating the presence of a Bronze Age barrow cemetery. To the south of Manningtree Road is a less dense complex including ring ditches, a long mortuary enclosure, linear boundaries and trackway. A third complex to the north of Lower Barn Farm comprises linear boundaries a trackway and possible enclosure. A ring ditch was excavated in the 1950's revealing urned cremations. An Iron Age urn burial was discovered near to Jupes Hill Farm and Roman building material including a tessellated pavement has been reported from within the zone although the precise location of these finds is unknown.

The proposed development at Hallfields Farm sits between two of these crop mark sites and it is highly likely that there are archaeological deposits on the site.

A programme of archaeological evaluation by trial-trenching (4% of the site, 200m linear at 1.8m wide) should be attached as a condition prior to any development of the site.

8.6 **Environmental Protection Contaminated Land Officer**

Re: REC Desk Study Report Ref. 51072p1r1, issued April 2011, revised Oct. 2014

I note submission of the revised REC report (above) and the letter of assurance dated 31/10/14, confirming that the Conceptual Site Model (CSM) remains relevant for this new application.

Re: REC Phase 1 Desk Study Report, ref. 51072p1r0, dated April 2011

The above report is acceptable for Environmental Protection purposes and has assumed demolition of existing buildings. I note the recommendations for intrusive investigations to be undertaken, including assessment of ground gas risks; also the need for an appropriate asbestos survey to be undertaken (and where necessary a method statement to be prepared) prior to demolition.

I note that the Environment Agency has made comments with regard to risks to controlled waters: these matters should be addressed to their satisfaction when undertaking the necessary intrusive investigations.

However, based on the information provided, it would appear that the site could be made suitable for the proposed use. Consequently, should permission be granted for this application conditions are recommended.

8.7 **Environmental Protection**

Recommend conditions should planning permission be granted these include a construction/demolition management plan to control noise and of removal of waste.

8.8 Natural England

The Wildlife and Countryside Act 1981 (as amended)

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

The National Park and Access to the Countryside Act 1949

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

Statutory nature conservation sites – no objection

This application is in close proximity to the Cattawade Marshes Site of Special Scientific Interest (SSSI). This SSSI forms part of the Stour & Orwell Estuaries SPA and Ramsar. Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Stour & Orwell Estuaries SPA and Ramsar have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Cattawade Marshes SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal. The development however, relates to the Dedham Vale AONB. We therefore advise you to seek the advice of the AONB board. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species

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

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

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

Local sites

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

8.9 Highway Authority

The Highway Authority does not wish to raise an objection to the application subject to conditions which include the provision of a footway across the site frontage, visibility splays, parking and turning facilities, provision of travel and information packs and conditions to control the construction of the access road and parking.

8.10 Environment Agency

Thank you for consulting us on the above application, received on 21 November 2014. We have reviewed the information submitted and have no objection, but request the conditions set out below are appended to any permission granted. We commented on the previous application at this site, your reference 112426, initially raising a holding objection which we were able to remove following the submission of a Phase I Environmental Desk Study Report, Ref: 51072p1r0, prepared by Resource & Environmental Consultants, dated April 2011. We note that this document has been submitted as Appendix 6 of the Design and Access Statement, therefore our comments remain the same. Please see our detailed comments below.

Contamination

We agree with the conclusions of the desk study that an intrusive investigation should be undertaken to confirm the soil quality beneath the site and assess the level of risk to water resources. The investigation should address the potential areas of concern as identified in the report. Soil and groundwater (if encountered) samples should be submitted to a MCERTS-accredited laboratory and analysed for the potential contaminants of concern as identified in the Desk Study. The investigation should include the area where SuDS are to be located to confirm the absence of any significant contamination. Leachate tests should be scheduled for selected samples to facilitate the water resources risk assessment. Notwithstanding, we consider sufficient information has been provided to allow us to recommend conditions be appended to any planning conditions granted.

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

9.0 Parish Council Response

9.1 The Parish Council have stated that Dedham Parish Council agrees that the application:

- (1) Meets the needs for affordable housing identified in the RCCE survey of March 2012.
- (2) Has restricted the size of the market homes as far as can realistically be achieved to provide cross-subsidisation.
- (3) Has a site-plan and house designs sympathetic to the AONB and the Village Design Statement.
- (4) Includes landscaping which will protect views from neighbouring homes, from footpaths and across surrounding countryside.

But requires in addition that:

- (a) Further detailed investigations take place with the proposed connection to the Anglia Water sewer system. Local knowledge is clear in that there are ongoing issues with the functioning of the local sewers. This is evidenced as recently as Wednesday November 26th when considerable effort was expended by Anglia water to unblock the system. Putting a further load from 17 new dwellings onto a system that has a record of continuing failure is unacceptable until the root cause of the issue is resolved. This must be addressed prior to any works commencing for the benefit of both existing and new residents.

- (b) Street lighting, which is not mentioned in the application, should not be permitted at high or medium level.
- (c) The proposed development is the largest in the village for some time and will place increased demands on both our leisure and community facilities. Under normal circumstances, as a major development this would require a 106 Agreement. If this principle is to be abandoned on the basis that any such requirement would render the project non-viable, then we would like it to be transparently demonstrated what these viability criteria are and how they breach the National Planning Policy Framework on this application. We will require, through an FOI act request if needed, the detailed data and the decision justification?
- (d) Due regard to the wellbeing of residents be shown during the build by allowing noisy and external works Monday to Friday during the hours of 0730 to 1700 only, forbidding parking of delivery lorries on Manningtree Road. Overall we expect that the development contractors will conform to the Considerate Contractor Scheme.
- (e) Due to the fact that Manningtree Road is narrow and single carriageway, access to the site during the build should not take place via Jupes Hill.

Dedham Parish Council recommends approval of the application subject to the inclusion of these five conditions. Because of the significance to the village the Parish Council will request the Ward Councillor to call-in the application for decision by the full Planning Committee.

10.0 Representations

10.1 4 support 9 objection plus objection from the Dedham Vale Society and Dedham Vale AONB and Stour Valley Project and comment from the Colchester Cycling Campaign.

10.2 The Dedham Vale Society

The Dedham Vale Society wishes to object most strongly to the above application which is felt to be highly inappropriate for Dedham.

The application is outside the village envelope and, therefore, planning permission should only be granted on an exceptional basis. There appears to be nothing “exceptional” about the application, a small largely unused piece of land is to be exploited, not for the benefit of the community by meeting an established need, but by a developer seeking to maximise profit.

Dedham is protected by both the National Planning Policy Framework (NPPF) Section 118 and the Colchester Plan Development Policy 22 “Dedham Vale Area of Outstanding Natural Beauty”. Both these policies recognise the importance of the countryside as a cultural asset but also its economic value. Dedham, probably the major tourist attraction in the Colchester area, retains its character and interest to visitors because of its unchanged nature and infilling of the type advocated by this application will in the long term damage the economic value to the local community.

On pure economic grounds this application should be resisted.

The Dedham Village Design Statement, approved after a long and thorough consultation with the people of Dedham and fully approved by the Colchester Planning Department, sought to limit this type of development and should not be set aside without careful thought and consultation within the community.

There are also important practical issues to be addressed. The sewage system is, and has been over a number of years, totally inadequate involving the periodic use of

tanks to remove waste and the removal of various blockages – the developer's solution of improved pumping facilities seems an inadequate response.

The application should not be considered until a comprehensive system to deal with all waste from both the current homes and future ones is agreed.

Access to and from the site onto the Manningtree Road is inadequate for the current level of properties never mind about an addition 10/12 homes. The access could not be widened without damage to properties that are of historical importance.

The issue of access is key to any consideration of a planning application.

The need for this development must be examined extremely carefully and the Society is not aware of any need established on firm evidence.

When the last group of affordable homes were built in Dedham, only one local family were interested and the Council were forced to import people from Colchester to fill the properties. The whole concept of affordable homes is to provide for local families working and living in an area without having to move away.

The Dedham experience is the opposite of this – you build homes but there is no local demand so you import people to fill those homes.

This was disruptive to the community – people imported from Colchester essentially had an urban perspective and found it difficult to adapt to a rural lifestyle e.g. a general lack of the facilities which are expected in a more urban setting.

Additionally there appears to be no evidence of “need” – has the Parish Council conducted research to identify individuals currently living in Dedham who need local accommodation? On what basis has the need been defined?

The Society believes that affordable homes are offered as a sweetener to Councils to gain planning permission for much larger homes with a much greater profit margin!!

A further point is why the need for these large properties that are being proposed? Dedham has many large houses where individuals are eager to downsize but wish to stay in the local community where they have probably lived for most of their lives. What Dedham needs is an increased stock of smaller properties 2/3 bedrooms built to a high specification – if this could be achieved, many larger homes would appear on the market.

The Society is aware that these large properties are being proposed by developers at Horkesley Park and Westwood Park and there must be a limit to the number of expensive homes within the Vale.

The mix of properties in this application reflects the desires of the developer rather than the needs of the community.

It is therefore suggested that the application be rejected for the following reasons:

- The site is outside the village envelope;
- It contravenes both the National Planning Policy Framework and the Colchester Local Plan;
- It does not reflect the wishes of the local community as expressed in the Village Design Statement;
- Practical problems such as sewage and access must be resolved before any planning application can be considered;
- The building mix proposed is backed by no evidence from the local community and does not meet the needs of that community for a range of high quality smaller homes to facilitate downsizing.

The Society believes that building in villages, particularly within an Area of Outstanding Natural Beauty, should be to meet the identified needs of local communities, not the demands of developers.

10.3 Dedham Vale AONB and Stour Valley Project.

The site is within the Dedham Vale AONB and as such, any development at this site must be carefully considered to ensure that the character and special qualities of the nationally protected landscape of the Dedham Vale AONB are not adversely affected. I would draw your attention to the Dedham Vale AONB and Stour Valley Management Plan for guidance on the conservation and enhancement of the area and the main purpose of the designation of the AONB, particularly Objectives under section 1.13.4. Based on the information provided by the applicant I offer the following comments specifically in relation to the landscape impact of the development. The site is in a very exposed position, particularly when viewed from the east and from nearby public footpaths and if implemented, the development would form the boundary between agricultural land and the existing village development. There are a number of issues of concern to us, in particular the fact that the site is outside of the village settlement boundary as defined in the LDF. We note the following CBC policy information: 'Rural exception sites – policies have been modified to allow for a limited degree of market housing on rural exception sites to enable the delivery of affordable housing (Core Strategy Policy H4 and ENV2)' and that 'Development outside but contiguous to village settlement boundaries may be supported, primarily where it constitutes an exception to meet identified local affordable housing needs. We would ask whether this particular proposal meets the identified local affordable housing needs in terms of the size and number of dwellings proposed and whether the balance between these and the market homes is appropriate. If this can be satisfied, we would further ask whether the site itself, given its position largely on previously undeveloped land, outside of the village settlement boundary and with limitations in terms of access on to Manningtree Road is a suitable location for development. If the local planning authority are minded to approve the proposal, we consider that the following conditions are essential to minimise the likely negative impact on the character and special qualities of the AONB:

- 1) A detailed scheme of planting, landscaping and aftercare is required with an aftercare period of not less than 10 years. Given the sensitive location of the development and the need to ensure effective mitigation of the Landscape and Visual impacts in this Nationally Designated Landscape. The principle of and model for 10 year aftercare can be seen in APP/W3520/A/10/2128648 Ebdens Farm, Pixey Green, Stradbroke, Eye, IP21 5NJ
Reason: To reasonably minimise the adverse impact of the development on the character and special qualities of the AONB
- 2) A detailed scheme of external illumination should be submitted and agreed with the LPA prior to the commencement of development, and implemented in full. The scheme should include details of the location height, luminance and specification of each luminaire. The scheme should include measures to eliminate sky glow. The scheme will include a drawing showing the extent and lux levels of the external lighting on the site. The lighting scheme will illuminate the boundary of the site to a level no greater than 1 lux No subsequent modifications should be made to the agreed scheme of lighting without the consent of the LPA
Reason: To reasonably minimise the adverse impact on the character and special qualities of the AONB having particular regard for the dark skies character of the countryside.

Furthermore given that the ecological report anticipates that “it is probable that bats from these nearby roosts will forage along the boundaries of the site and in adjacent gardens. This behaviour would be expected to continue after the building work is completed” Therefore no scheme of external lighting should disturb bats (European Protected Species), feeding on existing or proposed site boundary vegetation. This can be achieved if the illumination of the boundary vegetation does to exceed 1 lux.

- 3) The colour and finishes of external walls and roofing materials should be agreed in writing with the LPA prior to the commencement of development and implemented as agreed

Reason: To reasonably minimise the adverse impact of the development on the character and special qualities of the AONB having particular regard for the character of the built environment.

10.4 Colchester Cycling Campaign

The proposed cycle shelter appears to be too small given the number of homes proposed. We would prefer to see cycle parking included as part of the footprint of each home, probably as part of a cycle/utility room with separate access from the main entrance.

Representations

- The distribution of affordable housing should be revisited. In order to sustain the village for family life and the sustainability of the village primary school greater consideration should be given to providing more affordable family homes including 2 , 3 and bedroom housesThe socio-economic divide is made crystal clear by actually labelling the 1-bedroom portion as ‘Almshouses’. I understand that this label is part of the architectural blend, but the stigma is still there. Dedham already HAS a number of REAL almshouses
- Contrary to the Housing Needs identified in the Dedham parish Plan
- Local need should dictate the market housing not the other way round
- Cottages adjacent to the site are on cesspit and have to be emptied frequently by tanker as the water table is very high and ground water gets into the pits. Roman Place opposite is on a pump system - 3 flats, 1 Drs surgery - this has resulted in numerous visits from tankers and engineers to unblock the system which ends up outside Constable Row. Hallfields Bungalows are on sewer into manhole outside Constable Row and frequently have problems. Waste from the 13 units will be pumped as sludge to this overloaded sewer
- The Business Park and surgery have already added considerably to the traffic in this narrow lan
- Has the site been investigated for bats and owls- the large barn that has asbestos roofing?
- What has happened to the Dedham Village Plan 'Your Village Your Way' - yes we would like input. I have lived in this house 32 years and in the village for 60.
- The outline plans show that one 4 bedroom house will be situated where our undercover garaging is. This is included in our rent and so far no offer of replacement garaging has been made to us.
- Previous applications have been refused from Essex County Council
- An attempt, on paper, has been made to present a ‘nestled’ development. However, although the maximum sizes of trees is mentioned no mention is given to the initial planting heights. This could mean that the site, particularly where the 4-

bedroom, 2-storey, market homes are planned, might remain obtrusive for many years (if not always) unless planted with more mature, taller tree stock.

- The construction will entail the felling of many established trees on site. Amenity space is planned, but in such a crowded development there is always the risk that parts could become defacto parking spaces, as often happens on such greenswards.
- This will completely ruin the view from my property. All of my windows except 3 enjoy this view currently and this will be a massive blow to the view, not to mention the value of my property when I sell it cannot stress any stronger that I object to this application,
- The proposal is outside the village envelope, within the AONB and is a further example of creeping urbanisation by way of speculative development. DP22, Dedham Vale AONB, states, development will only be supported in or near the AONB that makes a positive contribution to the special landscape character and qualities of the AONB and does not adversely affect the character, quality views and distinctiveness of the AONB.
- I note that Anglian Water see no problem with connection to the sewerage system but this is in complete contrast to the ongoing experiences of residents in Manningtree Road including the Health Centre. The extra traffic generated by seventeen new homes will also put even more pressure on a single-track lane, much over-used already by commuters to the station at Manningtree, school-run vehicles to and from Dedham and those with businesses at Lower Barn Farm.
- The 6 detached houses are out of scale with Hallfields Cottage, Appletree Cottage and Hallfields Bungalows as they have a much larger footprint and higher ridge. Due to their scale mass and height they are inappropriate and will dominate existing cottages. Windows in plots 4 and 5 will overlook Appletree Cottage and due to their height the properties on these plots will dominate the garden of Appletree Cottage
- The development will block out views of the church from the footpath

10.5 A 10 page letter of objection has been submitted on behalf of residents of Crown House, Crown Street, Dedham. The objections raised are summarised follows

Principle of Development

- no evidence within the application documents of a demonstrated local need. Contrary to Policy H4 of the Council's Core Strategy. The minutes of a Parish Council meeting held on 1st September 2014 stated that, "a housing needs survey conducted by the previous Council was probably now out of date". It is questionable therefore whether the applicant is relying upon a housing needs survey, which truly reflects the needs of local people.
- The applicant makes no reference to the Borough Council's affordable housing need within their supporting documentation. It is surely essential with planning applications such as this that local need is justified against the Borough's housing waiting list in order to cross reference the Borough's recorded need
- No demonstration of a sequential approach towards site selection. The application proposals are therefore considered to be contrary to Policy H4.
- The proposals are considered to be against the Council's policies in respect of site selection, which require new development to be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Furthermore, neither the Parish Plan nor Village Design Statement supports the location of the proposed development. Both the Localism agenda and NPPF, seeks to shift power

and decision making back to local communities, with planning being undertaken from the bottom up.

- The application site is located outside of the established village envelope and, therefore, planning permission should only be granted on an exceptional basis. The proposed development would unacceptably urbanise the application site, thereby detracting from the rural character of the locality. Contrary to the requirements of Policy DM22 of the Council's Development Management DPD, the application proposals would fail to make a positive contribution to the special landscape character and qualities of the AONB. It is considered that no exceptional circumstances exist for granting planning permission.
- The application proposal seeks to provide what is effectively backland development that would be positioned in a manner, which fails to respond to the existing pattern of development in the locality.
- The proposed layout plan has no regard for the character and layout of dwellings in this immediate locality. The plan indicates a new two-storey dwelling (plot 3) located directly beyond the rear (eastern) boundary of Crown House. The proposed dwelling would be located on a higher ground level than Crown House, thereby providing elevated views over the rear garden area of this dwelling and the siting of the proposed buildings would also fail to respect the open aspect of Mr and Mrs Barge's existing rear garden, creating an unacceptable level of visual intrusion. The applicant's submitted layout plan illustrates a dense row of existing soft landscaping along the northern and eastern boundaries of Mr and Mrs Barge's rear garden. However, in reality there are substantial breaks in the existing vegetation and the majority is of a deciduous type, which would therefore fail to screen the proposed development during the winter months. The relationship between the proposed development and the rear garden area of Crown House is considered to be a demonstration of poor design and entirely against the principles of good design embodied in the NPPF and carried forward within the Borough Council's Development Management DPD, notably Policies DP1, DP12, DP16 and DP22. The impact in visual, physical and noise terms cannot be debatable and in itself is representative of backland development of the worse possible kind.
- The narrow nature of the existing lane is considered to be inadequate for the current level of properties, a situation that would be worsened by the addition of 17 new homes. Furthermore, whilst the proposals show the provision of a new footway to the southern side of Manningtree Road, it is questioned whether this can be satisfactorily accommodated without harming the setting of adjacent buildings and the character of the Conservation Area.
- It is stated that the applicant has been engaged in dialogue with the Parish Council and attended numerous meetings prior to a public exhibition. However no letters of support provided from the Parish or local residents.

Representation in support

- Really pleased to see this application going through. The design is really sympathetic to the area really looking forward to seeing these come to market.
- Nice to see a mix of quality housing and affordable housing for local people to be able to stay within the areas in which they grew up.
- Nice to see so many affordable properties, will really help local people start out in their own home
- There are many elderly people who wish to downsize and stay in the village where they have lived for many years

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

11.0 Parking Provision

- 11.1 The application proposes 41 parking spaces for 17 dwellings. The parking includes 10 garages/ cart lodges.
- 11.2 The Adopted Parking Standards require 1 space for 1-bed dwellings and 2 spaces for 2+bedrooms plus a visitor space for every 4 dwellings. The development requires a minimum of 35 spaces.
- 11.3 The parking provision therefore exceeds the minimum requirement.

12.0 Open Space Provisions

- 12.1 Each dwelling has a private amenity area. In addition the development includes 3 areas of open space; an orchard and 2 areas of "village green" which will be managed by a private management company.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Development Team considered the Viability Appraisal and accepted that no financial obligations were offered. However the team considered the provision of the affordable housing cross subsidised by the private housing would be a benefit to the village. Obligations that would be agreed as part of any planning permission would be to secure the affordable housing.

15.0 Report

Policy Considerations

- 15.1 This section will examine the policy framework against which this application has to be assessed and explain how compliance with policy affects section 106 obligations.
- 15.2 The National Planning Policy Framework introduced new guidance for local planning authorities in respect of rural exception sites and states:

'In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.'

15.3 The Focused Review of the Council's Local Plan carried out last year revised Core Strategy H4 – Affordable Housing- so it was in accordance with the NPPF. The relevant part of the policy is set out below;

“Affordable housing development in the villages of rural Colchester Borough will be supported on rural exception sites contiguous with village settlement boundaries, provided a local need is demonstrated by the Town/Parish Council on behalf of their residents based on the evidence gained from an approved local housing needs survey. A proportion of market housing which facilitates the provision of significant additional affordable housing may be appropriate on rural exception sites. Information to demonstrate that the market housing is essential to cross-subsidise the delivery of the affordable housing and that the development would not be viable without this cross subsidy will be required. At the scheme level, the number of open market units on the rural exception site will be strictly limited to only the number of units required to facilitate the provision of significant affordable housing units on a rural exception site. The number of affordable units on a site should always be greater than the number of open market units delivered in this way. The actual number will be determined on local circumstances, evidence of local need and the overall viability of the scheme. General design of the homes should be comparable regardless of tenure within a single integrated development layout. The Council will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities.”

15.4 The key elements of the policy are

- Development needs to meet local need based on an approved local needs survey
- Evidence the number of market houses proposed are required to cross subsidise the affordable homes
- The number of affordable units should always be higher than the number of market units
- Consistent standard of design quality and public spaces

15.5 This application for a mix of market and affordable housing is the first submitted to this Council where the market units will cross subsidise the delivery of the affordable units.

15.6 The Councils Affordable Housing Development Officer has confirmed that the proposed development meets the requirements of the Housing Needs Survey and the needs of the local area are met by this application.

15.7 A Viability Appraisal has been submitted which demonstrates that the market units proposed are required to cross subsidise the provision of the affordable units.

15.8 The Ward Councillor and Parish Council are concerned that the application does not include any section 106 obligations. Due to the restrictive policies applied in the settlement of Dedham and the AONB there is limited new residential development. New development comprises mainly replacement dwellings or minor infill. It is understandable that the parish council view this development as an opportunity to secure community benefits. However the Viability Appraisal indicates the scheme would be unviable if financial contributions were sought. If the scheme were revised to increase the number of market houses the number of these units would then be

contrary to policy H4, as it would equal the number of affordable units. The proposal would then be unacceptable and the affordable housing would not be delivered.

- 15.9 The design quality of the scheme will be discussed in greater detail below, but the high quality of the design and materials which are consistent throughout the development has added to the cost of the development.
- 15.10 Whilst the proposal does not secure any financial contributions it will deliver high quality affordable housing to meet the identified local needs.
- 15.11 Central Government and local policy accept such sites will be outside defined settlements. The site is adjacent to the settlement boundary. It is opposite two sites, also outside the settlement boundary, where planning permission has been implemented for residential development as rural exception sites. The site is opposite Dedham Medical Centre, it is within walking distance of Dedham village and the school. Whilst outside the settlement boundary the site is considered to be in a sustainable location.
- 15.12 Dedham Parish Plan looked at Housing Needs and states "There was clearly a need indicated in the public consultation for more affordable homes for younger people as well as suitable properties into which existing residents could downsize to. Smaller homes generally and retirement accommodation were also seen as important".

Design and Layout

- 15.13 The Design and Access Statement explains the design philosophy, it considers the evolution and development of Dedham. It also assesses the character of the area, materials and elevational treatment.
- 15.14 A range of designs and forms are proposed within the site these include; Farm Buildings' these comprise a farmstead with a parking courtyard accessed by a brick wall lined drive. Other forms in this range include a farm gate-house and 'converted' cattle sheds; Alms-house' these units include a Dutch gable detail with a Gambrel roof and flat roofed dormers and Vernacular buildings, 5 dwellings with traditional "T" and "L" shaped plan form with steep pitched roofs bay windows, chimneys and other features.
- 15.15 A palette of traditional materials is proposed and includes slates, plain and pan tiles and red and gault bricks. Details such as Dutch gables, Flemish bond brickwork, voussoir and rubbed arches are proposed. Weatherboarded elevations are shown to ancillary buildings and link buildings Windows will comprise a mixture of double-hung sash windows, casements and leaded bars.
- 15.16 The design and layout are all of a high standard and are sympathetic to the character of Dedham. The proposal reflects the build form, spaces and materials in Dedham. The Scale of buildings are also considered to respect the context of the site and the setting of adjacent buildings. The open market and affordable units are indistinguishable and the scheme is therefore 'tenure blind' in conformity with good planning practice.

Impact on the Surrounding Area

15.17 This section will assess the impact of the development on the AONB and Heritage Assets.

15.18 AONB

There is a duty imposed by s.85 of the Countryside and Rights of Way Act 2000 to ensure that development does not harm the AONB and this duty is reflected in the NPPF and adopted local plan policies. The application documents include a Landscape Appraisal and Landscape Character Assessment. These documents assess the potential impact of the development and whether it can be integrated successfully into the existing landscape. Existing views into the site are described and photomontages showing the proposed development in the landscape have been submitted.

The conclusions of the 'Landscape Appraisal' establish that there is a strong environmental fit between the landscape, the special arrangement of the site and the surrounding landscape as defined within The Colchester Borough Landscape Character Assessment. The conclusions of this document provide very strong evidence to show that development of residential design proposals for this site would be appropriate and achieve the aims of the Dedham Vale and Stour Valley AONB Management Plan and the Colchester Borough Landscape Character Assessment. Figure 8 illustrates how the proposals would sit comfortably within the existing landscape framework and in many cases improve the quality of the local environment. Fig 9 illustrates how the concept and strategic proposals are projected forwards to inform and aid in developing the site layout"

The application also includes a Landscape Strategy for the site. The strategy shows hedgerow planting and hedgerow trees along the east boundary of the site to the AONB. The layout has the side elevation of 2 properties on this boundary separated by an area of open space called "East Green". This green space will provide a natural edge to the AONB. Existing vegetation is to be retained along the south and west boundaries and the north boundary where it abuts the rear gardens of existing dwellings. Where the north boundary abuts the road frontage, an open space called "North Green" is proposed. A third open space called "West Orchard" is shown in the west corner of the site. As the name suggests, this area will be planted with orchard trees. Hedgerow and tree planting is also proposed within the site in particular along the access road and frontages to the new dwellings.

An Arboricultural Impact Assessment assesses the trees within the site. There are no category "A" trees identified. All the category "B" trees, except one, will be retained as part of the development proposal. The majority of the C category trees to be removed are within the site and comprise several ash trees.

The Landscape Planning Officer considers the development will not adversely impact on the AONB and has agreed the landscape concept proposals.

15.19 Heritage Assets

The designated assets comprise the Conservation Area and statutorily Listed Buildings. The potential archaeological resource is undesignated but nevertheless a material planning consideration.

The site is adjacent to the Conservation Area. The only part of the development visible from public views within the Conservation Area will be the proposed dwelling on the road frontage which will replace part of an existing brick farm building and the “North Green” open space. The new building is part two and part single storey and will be attached to the retained barn. It will be set back slightly from the existing building line to allow for the creation of visibility splays and a 1.8m wide footway in front of this new dwelling. It is considered the development will not impact on the conservation area.

There are no listed buildings on the site the closest being along Crown Street. The application documents assess the impact of the development on the setting of listed buildings and views; in particular the iconic view of Dedham Church tower (a grade I listed building) which is visible from over a long distance including from Manningtree Road, the PROW and the AONB to the east of the application site. Your officers consider there will be no adverse impact on the setting of adjacent listed buildings. The proposed buildings are a maximum of 2-storeys and whilst at some points along the PROW distant views of the church tower will no longer be visible; it is considered that this will not harm the setting of the tower from viewpoints from outside the village.

The Archaeology Officer has commented that the proposed development sits between two known crop mark sites and it is highly likely that there are archaeological deposits on the site. It is recommended a programme of archaeological evaluation by trial-trenching should be secured as a condition prior to any development of the site.

Impact on Neighbouring Properties

- 15.20 The application site has an irregular shape and has a boundary with several residential properties. The development backs onto the rear gardens of Hallfield Cottage and Appletree Cottage in Manningtree Road. The new dwellings backing onto Hallfield Cottage are single storey and are separated from this boundary by the new access and parking proposed for Hallfield Cottage. A linked pair of 2-storey houses back onto Appletree Cottage. One of these satisfied the Essex Design Guide privacy standard with a rear garden of 15 metres. Part of the rear garden of the second property is 13m and an amended plan has been submitted omitting the bedroom window from the rear elevation. It is considered the amenity of these existing properties is therefore protected.
- 15.21 The “Almshouses” are parallel to Hallfields Bungalows and separated from them by gardens, access drive and parking which provide a separation distance of approximately 23m to their garden boundary. The “Almshouses” are of a storey and a half in height and have a bathroom and landing window in the rear elevation so they will not overlook the existing bungalows.
- 15.22 The proposed orchard area is adjacent to the boundary with some rear gardens in Crown Street, the new properties next to the orchard comprise 4 single storey units together with a 2-storey unit at the eastern end. These properties back onto the PROW.

- 15.23 A 2-storey dwelling on plot 3 backs onto Crown House. The applicant has clarified “the new dwelling will be positioned approximately only 1m higher than Crown House and given that the back to back distance is in excess of 100metres this minor change in level will have a negligible impact on privacy. A section drawing has been submitted. It is also confirmed that “Plot 3 has been carefully designed to reduce the impact of this proposal, there are no rear facing windows at first floor level capable of gaining visual access to the rear garden of Crown House, the only window on the rear elevation of Plot ‘3’ is a bathroom fitted with obscured glazing. Plot ‘3’ sits towards the North East corner of Crown House’s rear garden where the trees etc are at their tallest and most dense (We have considered the valley views afforded by Crown house and have strategically used the reduction of boundary vegetation to place a single storey garage, which will have little impact on their long view enjoyment). Any slight impact will be further minimised by the considerable distance of the boundary to Crown House”
- 15.24 On the basis of this evidence, your officer considers the privacy of Crown House is protected.
- 15.25 It is consequently considered that the development will not have an adverse impact on the amenity of neighbouring properties. The scheme achieves compliance with the privacy standards in the Essex Design Guide. Furthermore, a condition is proposed to prevent new windows or openings being added above ground floor level.

Ecology

- 15.26 The ecological report has assessed the various elements of the site; buildings, vegetation and open areas. The report concludes there is no owl activity, roosting, feeding station, nesting; no potential amphibian breeding ponds on or adjacent to the site; no Great Crested Newt or reptile presence.
- 15.27 The majority of the existing vegetation will be retained and together with the new planting and proposed orchard and “greens” will provide new opportunities for habitat improvements. A condition to this effect is proposed.

Highway Issues

- 15.28 The Highway Authority has raised no objection to the proposals and has considered the Transport Statement which forms part of the application. This document considers the local road network, the accessibility of the site by transport modes other than by car, the adequacy of the access arrangements, including visibility splays, and access by service vehicles. The document also calculates the level of traffic that could be generated by the development. It also describes the proposed parking provision.
- 15.29 A class 3 turning head is provided within the site for a refuse freighter to turn. The parking provision, as described above, exceeds the minimum standard. The frontage dwelling is set back slightly behind existing frontage buildings to allow appropriate visibility splays and the provision of a short section of footway. This footway will provide pedestrians a safe refuge to cross to the north side of Manningtree Road where there is a footway to the junction with Crown Street and then footways to Dedham village which is less than 0.6km from the site.

- 15.30 The applicant has confirmed the cycle shelter proposed is for exclusive use by plots 9, 10 and 11 and sized accordingly using 'Essex County Council's Parking Standards'. Cycle storage for all other dwellings is to be provided within their own curtilage.
- 15.31 The application includes replacement parking for Hallfields Cottage in the form of an access lane and private parking (plus visitor spaces). This access lane leads off from the new access road and extends along the rear of this cottage.

Drainage Issues

- 15.32 Anglian Water and the Environment Agency have been consulted and Members will note neither has raised objection to the proposed development on drainage grounds. Anglian Water has responded on issues relating to waste water and foul sewerage and the Environment Agency in respect of surface water drainage.
- 15.33 The applicants' consultant undertook pre-application discussions with Anglian Water which included the treatment of foul water treatment in the light of existing capacity problems, recent blockages and further increase on load added by this development. This consultation forms part of the application submission in which Anglian Water confirms the following matters
- 15.34 Recent System Blockages:
- In December 2013 AW were called out to unblock a drain upstream from the Manningtree Road connection in Crown Street and in November 2014 AW were called out to unblock a drain upstream from the Manningtree Road connection in Southfields. The cause of both these blockages was domestic waste.
 - There have been a number of calls regarding sewer smells in the High Street and AW have responded by adding a neutralising additive in the pumping station wet well which appears to have resolved this particular issue.
- Effects of new development:
- Effluent from the new development to be restricted to 3.8l/s into head man-hole in Manningtree Road, the previously submitted report states the system has capacity to accept this flow
 - The more recent Anglian Water call-outs relate to blockages upstream of where the development sewerage would enter the adopted system. There are no reported problems downstream from where the new flows would contribute to the system.

Other Matters

- 15.35 The objections raised in the representations have been addressed above in the various sections of the report.

16.0 Conclusion

- 16.1 This proposal will secure the provision of affordable housing to meet local needs in a high quality development in accordance with relevant adopted policies. The detailed designs, layout and materials all take reference from traditional forms and groups of buildings in Dedham and will produce a development that relates well to character of the settlement. The landscape strategy proposal will ensure the development is harmonised in the landscape and does not have an adverse impact on the AONB. Issues relating to highway and drainage matters have been addressed in the report.

16.2 Your officers support this proposal and planning permission is recommended.

17.0 Recommendation

17.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 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 Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to secure the following:

- the affordable units as affordable in perpetuity
- the private housing to fund the construction and fitting out of the affordable units
- a timetable for the delivery of the affordable units to be submitted to and agreed with the Local Planning Authority (constructed, fitted out and passed to a registered provider in accordance with the agreed terms), agreement to a phasing plan and delivery cascade
- the affordable units to be rented
- agreement with the Council on the criteria for a Local Lettings policy

17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

APPROVE subject to the following conditions

18.0 Positivity Statement

18.1 WA2 - 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.

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers Landscape Strategy 14.1758.01, Highways General arrangement 1034/SK02, Highways Drainage Concept 1034/SK03, 1085.L., 000, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014A, 015, 016A, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027 and 028, 1085.S.201

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

3 - Non-Standard Condition/Reason

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 materials shall include slate, clay plain and pan tiles, red and gault bricks.

Reason: In order to ensure that suitable materials are used on the development to ensure that the AONB and Conservation Area are preserved by the development as there are insufficient details within the submitted planning application.

4 - Non-Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, reveals, eaves, verges, cills, arches, Dutch gables, voussoir and rubbed arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to these details which form an important element of the approved development.

5 - 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.

6 - *Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;

- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

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

7 -Landscape Management Plan

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

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

8 - 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.

9 - 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.

10 – Non Standard Condition

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, rooflights or other openings shall be installed above ground floor level within the rear or side elevations or roof faces of the dwellings hereby permitted unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings and the amenity of the AONB.

11 - Non-Standard Condition/Reason

No works shall take place until a scheme of biodiversity enhancements, including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented.

Reason: To ensure that adequate measures are taken to protect wildlife species in accordance with the NERC Act 2006.

12 - Non-Standard Condition/Reason

Prior to the first Occupation of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ1 AONB shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution on the AONB.

13 - Non-Standard Condition/Reason

No works shall take place until a programme of archaeological evaluation by trial-trenching (4% of the site, 200m linear at 1.8m wide) has been carried in accordance with details submitted to and agreed in writing by the local planning authority. In the event that any significant archaeological features or remains are discovered require fuller rescue excavation the construction work shall cease immediately and shall not recommence until a revised programme of archaeological work including a scheme of investigation has been submitted to, and approved in writing, by the Local Planning Authority.

Reason: To enable the inspection and recording of any items of archaeological importance and to conserve the heritage asset in a manner that is proportionate to its significance.

14 - 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.

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.

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 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.

any mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

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 Protection). 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.

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.

no fires to be lit on site at any time.

all bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

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.

15 - Contaminated Land Part 1 of 4 (Site Characterisation)

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,

- ecological systems,
- archaeological sites and ancient monuments;

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

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

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

16 - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

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

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

17 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

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.

18 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

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

19 - *Validation Certificate

Prior to the first OCCUPATION/USE 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 15.

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.

20 - Non-Standard Condition/Reason

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and 2.4 metres by 43 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

21 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose. Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

22 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

23 - Non-Standard Condition/Reason

Any single garages should have a minimum internal measurement of 7m x 3m. Any double garages should have a minimum internal measurement of 7m x 6m. Any tandem garages should have minimum internal measurements of 12m x 3m. All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To encourage the use of garages for their intended purpose and to discourage on street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

24 - Non-Standard Condition/Reason

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, to include six one day travel vouchers for use with the relevant local public transport operator.

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, adopted as County Council Supplementary Guidance in February 2011.

25 - Non-Standard Condition/Reason

No works in connection with the proposed development shall commence until such time as the 1.8m footway along the Manningtree Road frontage has been provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development.

Note: This condition requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

26 - Non-Standard Condition/Reason

Prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles shall be carried out by the Applicant and the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site. The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place. Given the location of the site, a haul route for the delivery of large-scale plant and material may also be required. Should this prove to be necessary, any route or routes shall be agreed in advance with the Local Planning Authority in consultation with the Highway Authority.

Reason To protect the highway and the amenity of the area.

27 - Non-Standard Condition/Reason

Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A directly underlying the site) from potential pollutants associated with current and previous land uses (including the use as a workshop as identified in the application form) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3, 2012) position statements A1 – A6, B1 – B3 and G9 – G13.

28 - Non-Standard Condition/Reason

No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary A directly underlying the site) from potential pollutants associated with current and previous land uses (including the use as a workshop as identified in the application form) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3, 2012) position statements A1 – A6, B1 – B3 and G9 – G13.

29 - Non-Standard Condition/Reason

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary A directly underlying the site) from potential pollutants associated with current and previous land uses (including the use as a workshop as identified in the application form) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3, 2012) position statements A1 – A6, B1 – B3 and G9 – G13.

30 - Non-Standard Condition/Reason

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary A directly underlying the site) from potential pollutants associated with current and previous land uses (including the use as a workshop as identified in the application form) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3, 2012) position statements A1 – A6, B1 – B3 and G9 – G13.

31 - Non-Standard Condition/Reason

Prior to the occupation of any part of the development the access drive and parking for Hallfields Cottage shall be provided in accordance with the approved drawings and be available for use.

Reason: In the interests of proper planning and in the interests of highway safety.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**
PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) 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.

(5) PLEASE NOTE that the site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Tiered risk assessment shall be carried out in accordance with the procedural guidance and UK policy relating to the contaminated land regime.

Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an "Appropriate Person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public, property and the environment are protected against noise, dust, odour and fumes.

The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of at an appropriately licensed landfill site.

The Local Planning Authority will provide a Validation Certificate mentioned in Condition on completion by the applicant/developer. This certificate will not only provide confidence in the site for the local authority in terms of development control and the Part IIA regime but will help discharge conditions applied by the approved inspector and also provide confidence for solicitors and homebuyers in the conveyancing process.

(6) Advice to Applicant – Sustainable Drainage Systems (SuDS)

Soakaways or other infiltration SuDS shall only be used in areas on site where they will not present a risk to groundwater, with the depth of soakaway kept to a minimum to ensure that the maximum possible depth of unsaturated material remains between the base of the soakaway and the top of the water table, ensuring that a direct discharge of surface water into groundwater is prevented. The maximum acceptable depth for infiltration SuDS is 2.0m below ground level, with a minimum of 1.2m clearance between the base of infiltration SuDS and peak seasonal groundwater levels, which have yet to be ascertained. Soakaways must not be constructed in contaminated ground, where they may promote the mobilisation of contaminants and give rise to contamination of groundwater.

Only clean roof water shall be directly discharge into a soakaway. Systems for the discharge of surface water from associated hard- standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures. However, within a SPZ1, to minimise the risk to the groundwater our position is that only clean water from roofs may be discharged to soakaway or other infiltration system, and such a discharge is acceptable provided that all roof water down-pipes are sealed against pollutants entering the system from surface run- off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

Given the high environmental sensitivity of controlled waters at this site, the surface water management system must be designed to satisfy these requirements, and it being demonstrated there will be no direct discharge into the groundwater, taking into account seasonal fluctuations in the groundwater level. The use of a soakaway or other infiltration system outside of the SPZ1 may be acceptable for the discharge of surface water from the

development subject to meeting our general requirements with respect to minimising the soakaway depth, maximising the unsaturated zone above the top of the water table, preventing a direct discharge to groundwater and incorporating appropriate pollution prevention measures.

For further information, see our Groundwater Protection: Principles and Practice (GP3, 2012) documents, position statements G1 and G9 – G13.formation.

(7) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

(9) The public's rights and ease of passage over public footpath no29 (Dedham) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. Any unauthorised interference with the route will constitute a contravention of the Highways Act 1980.

(10) INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.



Application No: 130939

Location: 41 Priory Street, Colchester, CO1 2QA

Scale (approx): 1:1250

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7.3 Case Officer: Mark Russell

MINOR

Site: 41 Priory Street, Colchester, CO1 2QA

Application No: 130939

Date Received: 4 July 2013

Agent: Mr David Barclay Riba

Applicant: Mr Simon Wood

Development: Demolition of existing works buildings, Change of Use from Light Industrial to Residential and erection of 2no. semi-detached houses 7no. apartments

Ward: Castle

Summary of Recommendation: Conditional Approval

This application was before Committee in August 2013. It was deferred for various reasons. In particular it was held to be desirable to allow more light to Laurel Cottage, and for highways and parking issues to be resolved.

The applicant has also been requested to provide amended drawings which more accurately describe the relationship between the proposal site and neighbouring buildings.

The applicant had provided amended drawings in February 2014 which led to a further consultation. However, these did not resolve the outstanding issues and therefore, following meetings between the applicant and your Officers, a further set of amended drawings was provided in December 2014.

The report below is as before, with additional paragraphs in bold.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application has been called in to the Planning Committee by Councillor Barlow for the following reasons:

Following discussions with residents and looking at the plans for this development, I have requested that this application be called in to be determined by the Planning Committee. I feel that while the site is suitable for development, the proposed development and the associated disruption it would cause to nearby residents are not suitable for this site. I would ask that councillors and officers request that the developer come back with a scheme that's more appropriate for the site and less likely to harm the amenity of neighbours.

To begin with, the proposed development has to be considered in the primary context of Priory Street, not The Dell or Nicholsons Grove. The lane on which it is situated is part of Priory Street and it will only be accessible through Priory Street, so it should be in the context of that street, especially the neighbouring houses on the lane, such as Laurel House and Nursery Cottage. Houses in this section of Priory Street are single dwellings, not blocks of flats, and development on this site should reflect that fact. As an aside, the developer refers to the private road as 'Watts Lane' but from conversations with residents, I'm not sure that this nomenclature is in common usage, with residents considering themselves as part of Priory Street.

The proposed block of flats will cause overshadowing to Laurel House and possibly Nursery Cottage as well. It will be a very large presence in the street scene in that area, drawing its cues from The Dell and Nicholsons Grove, not its neighbours. The proposed houses on the site are more in keeping with the style of the area. It seems clear that the proposed changes to the lane are required to make the development possible, yet to do this will damage the amenity of residents. The proposed resurfacing removes areas that are customarily used for parking by residents in the lane, and will thus displace this to neighbouring areas, adding to an already difficult parking situation. The proposal also seems to assume that various areas are unowned, and I would request that officers make detailed enquiries to the Land Registry and the building owners about the boundaries of Laurel House and Nursery Cottage, to ascertain if the assertions made in the application are correct. The proposal also appears to propose removing the laurel bushes from the side of Laurel House to make way for the new road, which would remove the privacy of the residents of that property, and may be in contravention of the planning permission for it.

To reiterate, I am not against the principle of development on this site, and I believe that is the opinion of most residents in the area, but any proposed development needs to be better thought out to ensure it is in keeping with the needs of the area and doesn't cause any loss of amenity or disruption to existing residents.

2.0 Synopsis

- 2.1 The proposal for 2 x 2-bed dwellings and seven x 2-bed flats is described below. Consultation replies including those from nearby properties are then detailed. These objections, relating generally to issues of parking and access to the lane, as well as overdevelopment, loss of amenity and poor design are carefully considered.
- 2.2 It is acknowledged that access arrangements are restricted, but that they are achievable. Amenity is not generally negatively affected and whilst the design could be more sensitive to the area the proposal is, on balance, acceptable.

3.0 Site Description and Context

- 3.1 The site comprises land at the former Watts stone-mason's. This is currently derelict, with some of the former buildings and stone slabs remaining *in situ* in the yard. To the front of the yard, and striking out towards Priory Street is an unmade lane, known to some as Watts Lane. To the south is the Nicholson's Grove housing development, to the east is the synagogue and spiritualist church to the west and north is The Dell, a flatted development for retired people. Also to the north is Laurel Cottage which was built on part of the Watts site within the last ten years.

- 3.2 The lane leads past the locally listed flint building Nursery Cottage and to Priory Street in the heart of Colchester Conservation Area 1 with a largely Victorian building stock. Opposite is the town wall, with Roman sections and bastions. Views of part of the site are available from Priory Street itself.

4.0 Description of the Proposal

- 4.1 The proposal is to demolish the existing buildings and erect a residential scheme. This would comprise a pair of two-bedroom dwellings and a set of seven flats in two and three storey elements. Nine parking spaces, plus cycle parking, amenity space and some small allotments are also proposed.

5.0 Land Use Allocation

- 5.1 Predominantly residential, Conservation Area, Potentially Contaminated Land, Area of High Archaeological Importance.

6.0 Relevant Planning History

- 6.1 O/COL/03/0193 03/02/2003 –Outline Permission For Residential Development Approved- 02/10/2003.
- 6.2 O/COL/04/0718 - Detached house with garage. Approved 02/07/2004
- 6.3 F/COL/05/0746 - Erection of detached 4 bedroom house and garage. Refused 17/06/2005.
- 6.4 F/COL/05/1560 - Construction of a detached 4 bedroom house. Resubmission of F/COL/05/0746. Approved 09/12/2005
- 6.5 *These last three applications relate to the now built Laurel Cottage which was part of the original development site.*

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - UR2 - Built Design and Character
 - PR2 - People-friendly Streets
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA4 - Roads and Traffic
 - TA5 - Parking
 - ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
 - DP12 Dwelling Standards
 - DP14 Historic Environment Assets
 - 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
 - DP25 Renewable Energy
- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
- Backland and Infill
 - Community Facilities
 - Vehicle Parking Standards
 - Sustainable Construction
 - The Essex Design Guide
 - External Materials in New Developments
 - Cycling Delivery Strategy

8.0 Consultations

- 8.1 Environmental Control: No comments other than a construction method statement being requested.
- 8.2 Environmental Control (Contaminated Land): The submitted desk study report is satisfactory for Environmental Protection purposes. Some potential for contamination has been identified; however, based on the information provided, it would appear that the site could be made suitable for use, with the necessary investigative works (including the need for an appropriate asbestos survey prior to any demolition/site clearance) and revised risk assessment conditioned. Please see my comments from 26/6/13 (attached) for further clarification.

Consequently, should permission be granted for this application, the Contaminated Land Officer would recommend inclusion of conditions (detailed at the end of this report):

- 8.3 Museum Resources: – A watching brief is required due to possible points of archaeological interest.
- 8.4 Design & Heritage Unit: - Over the years this scheme has slowly evolved into the application. There have been numerous engagements with the architect over time and the final scheme has some merit.

The arrangement on site has been led by a series of constraints but from these dictates a satisfactory arrangement has been achieved.

The scale and massing is largely acceptable. The relationship to the bungalow to the north is acceptable given that the relatively contemporary bungalow has less in keeping with the context than the proposed apartments. The proposed scheme interacts with the bungalow at two storeys which is acceptable.

Architecturally the scheme has been well considered with a degree of detailing and visual composition rarely found on this type of housing.

The boundary treatment provides no security for the storage, allotments and cycle stores. I would suggest that the proposed 1 metre high trellis is insufficient to be considered secure by design. There does not appear to be enclosure to the private space between the apartments and the bin stores, this again is inherently insecure and needs resolution. The same applies on the east edge beside the two houses.

The large communal area appears as merely grassed and as such has limited social function. With the sustainable ambitions for this scheme drifting into social sustainability within the DAS I would expect a higher degree of facilities for recreation within the garden area such as seating and perhaps BBQs built in. A better design of open space should be required to accompany this application.

The reduced parking standard is acceptable in this central location; visitors could use the Priory Street car park and the Parking Standards SPD allows for a reduced standard in sustainable locations such as this.

In conclusion I would suggest that the scheme has some originality and is visually of a higher standard than the majority of similar applications we receive. The disappointing element is that the scheme does not achieve anything above standard environmental credentials and the rhetoric of the DAS could be considered misleading in this regard. I support the application but would require the landscaping, surfacing and boundary treatments to be conditioned.

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

9.0 Parish Council Response

- 9.1 n/a

10.0 Representations

10.1 Fourteen letters of objection, plus a petition, have been received. These covered the following points

- Overdevelopment
- The lane is unable to cope with the extra traffic/measurements provided are inaccurate
- The lane is not wide enough to accommodate two-way traffic;
- Danger to pedestrians;
- The Dell might be used for lorries while the flats are being built and by refuse freighters later;
- Drainage could be affected;
- Existing properties have a right to park on the lane;
- The lane should not be resurfaced;
- Design (fenestration, lack of detailing)
- Overbearing/loss of light to Laurel House;
- Three-storey is out of keeping;
- Proposed removal of laurel is unacceptable;
- Insufficient parking;
- Too much parking
- Proximity of refuse store to The Dell;
- Possible Asbestos;
- The archway between 34 & 35 is a private alleyway that only serves 33,34,35 & 36;
- A local land-owner was not consulted.

10.2 Following the receipt of amended drawings a further letter of consultation was sent out. Seven letters of objection were received. These repeated many of the concerns cited above and it was felt by some that there was little, if any, change from the original drawings. The occupier of Laurel House re-stated his concerns about overshadowing and access/parking matters.

10.3 Still further representation (five objections) was received following consultation when the final amended drawings were submitted in December 2014.

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

11.0 Parking Provision

11.1 One space per unit is being provided, with bays being to a compliant size of 2.9 x 5.5 metres. Two of these spaces are larger to accommodate parking for people with disabilities.

12.0 Open Space Provisions

12.1 No public open space is provided, see report section for details of amenity 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 Development Team and Planning Obligations

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Design and Layout:

- 15.1 The layout is dictated by the access from Watts Lane and is a logical fit into the available space, spanning east to west along the top of the developable part of the site, then returning north-south deeper into the site wrapping itself around the proposed open space. The density is 64 dwellings per hectare.
- 15.2 The design itself is unashamedly modern in detail, albeit with a more vernacular form in the case of the houses. This has evolved through discussions with your Officers pre-application. The design ethos is also informed by an ecological approach with a stack ventilation system and “dwelling emission rate and fabric efficiency (being) enhanced by the choice of construction details and materials.” Various other ecological credentials are included in the submitted documents. The result is the design which Members have before them today, which is prosaic with smaller windows to the north and east, but with more visual interest on other aspects.
- 15.3 The design is such as to contrast with its largely Victorian surroundings. Whether this is acceptable is a subjective issue, however this approach was worked up during pre-application discussions and our Urban Designer has not objected. It must be further noted that the standard of existing development behind the main Priory Street frontage, for example The Dell and the synagogue is not of such a high quality. Whilst this in itself is not a reason to lower the bar, it does form part of the context.

Scale, Height and Massing:

- 15.4 The development is massed so as to appear as a continuous form. In any event this will be scarcely perceived from a public aspect, with the possible exception of glimpses from Nicholson’s Grove.

Impact on the Surrounding Area:

- 15.5 The site is adjacent to Colchester Conservation Area 1, and its entrance is within it. Priory Street represents a high quality of built environment, with St. Botolph's Priory, the town wall and its bastions and several locally listed buildings. The development itself will be visible down the lane, sometimes referred to as Watts Lane. The choice of design will have an impact which misses the chance of introducing vernacular charm, but has the advantage of filling an undesirable space, resolving an incomplete view and softening matters with planting at the bottom of the land on the left hand side.
- 15.6 Whilst the chance to introduce a vernacular scheme, particularly into the more visible element of the scheme (the two houses) has been missed, the other physical improvements mean that the scheme, on balance, has a positive impact on the area and helps to enhance the Conservation Area.

Impacts on Neighbouring Properties:

- 15.7 The proposed development sits cheek-by-jowl with several other residential sites, and its effect requires careful examination.
- 15.8 Daylight and Sunlight- The objections relating to impact on neighbours have been noted and examined. In relation to the loss of outlook etc. from Laurel Cottage and to a lesser extent Nursery Cottage. The proposal will inevitably lead to the loss of some light to Laurel Cottage as it is to the south of it.
- 15.9 It is noted that the front to front distance between the flats and Laurel Cottage is almost ten metres. This almost complies with the Essex Design Guide which asks for ten metres, but given that the proposed building is a little higher than average then it would require a little more separation. This is worked out on the formula of two metres in height + 25 degrees not being infringed by a new building. Sunlight and daylight schematics were submitted with the application. However, these showed the situation in summer and winter, whilst the key tests relate the equinoxes of March and October. It would appear that these tests are marginally failed to that dwelling.
- 15.10 Amended drawings show that the separation is now, indeed, ten metres. However, the two metres + 25 degrees failing still remains (albeit much reduced).**

15.10.1 This has been achieved by the following amendments:

- (i) **The entire building has been moved southwards by 700mm. Previously the south-eastern corner was about one metre from the boundary with a parking court serving Nicholsons Grove, with the south-western corner being just under two metres. Now the measurements are approximately 200cm and one metre respectively. NOTE – Building Control has confirmed that this is acceptable in relation to issues around fire-spread provided the materials are brick and block (which they are) and provided there is no more than minimal window opening (there is none).**

- (ii) **The roof on the section closest to Laurel House (previously a full gable) has now been sloped off at an angle of 45 degrees. NOTE – it is acknowledged that the chimney stack (width approximately 800mm) represents a brief infringement of the zone.**

15.10.2 Given that there is a notional failing of the rule, further assessment was required to be sure that the amount of lost sunlight and daylight would be within acceptable bounds.

15.10.3 The extra sunlight and daylight assessment has been compiled and shows that the reduction in light to the windows of the neighbouring buildings is less than the value that is considered by the BRE Guidelines to represent a notable impact. On this basis, the development is concluded to be acceptable.

15.11 Privacy – The distance between the proposed flats and the existing flats at The Dell is 35 metres. This complies with the Essex Design Guide standards which seek 25 metres, or 35 metres in the case of first floor living rooms (i.e. flats).

15.12 The expansive nature of the proposed windows does cause some concern and could give rise to slightly higher levels of lost privacy, or at least a perception of the same. It was mooted with the developer that the lounge windows should be flipped to the other side, overlooking fields to the east. However, this was not taken up as an idea (the lounge windows enjoying evening light being a key consideration) and as the distance is compliant with guidance, loss of privacy is not held to be a sustainable reason for refusal. It is further noted that planting on the site of The Dell assists with securing some extra privacy.

15.13 To the south (Nicholson's Grove) the separation is 26-27 metres, thus an apparent slight fail. However, there is a slight angle to the view, approximately 10 degrees, in addition existing vegetation on the boundary adds to screening. Whilst this is not perfect, it is felt to be reasonably compliant with standards.

15.14 To the north, the only front-facing windows are bedrooms, thus casual rather than routine loss of privacy is possible. To the east, the distances are generally greater, and the only neighbouring property is the synagogue, and the playing fields of St. Thomas More school - i.e. non-residential properties.

Amenity Provisions:

15.15 A shared open space of 400 metres is proposed for the flats, as well as other areas of incidental open space. In addition to this, the houses have been provided with a small amount of private space (about 24 metres each). Whilst this element is deficient, the overall scheme enjoys a surplus of open space which it is intended will also be for the use of the occupiers of the two houses.

15.16 It is also noted that provision of eight allotments is proposed. These are small (each about the size of a parking space), but would also hopefully add to the outdoor enjoyment of the site by future occupiers.

Highway Issues:

- 15.17 The consultant's report suggests that the passing of vehicles can be accommodated safely. To an extent this is true, however it is tight in places (especially towards the bottom of the lane) and anecdotally vehicular/pedestrian conflict occurs. Your Officer has therefore requested the introduction of passing places.
- 15.18 It is further requested that the different realms (the main carriageway as opposed the passing place, any requested footway and those areas which are used for parking by existing residents) be clearly demarcated on a submitted drawing and laid out with contrasting materials.
- 15.19 The issues of accrued parking rights, and right of access onto the lane, have been raised by several parties. Strictly speaking, the stance can be taken that these are outside of the considerations of Planning. However, the applicant has been advised that these issues need to be considered now, hence the above suggestion about different realms.
- 15.20 The lane appears very narrow and does not seem to tally with the measurements in the submission documents. However, the applicant has advised that there is some gain to be had from using the space taken up by, and the small amount of land behind, the fence on the left-hand side looking down the lane. It has been established, therefore, that there is space for vehicles to park and for cars to pass by. Indeed, the Council's own Recycling & Fleet Duty Manager has confirmed that, subject to raising the canopy of some trees lining the road there is sufficient space for a refuse freighter to pass.
- 15.21 Should documentary evidence be provided which shows a right to park on the carriageway of the lane, then a legal dispute will occur (as the applicants have rights down the lane). This could obstruct the delivery of the scheme, but is outside of Planning considerations.
- 15.22 It is noted that representations have been given both ways in terms of the proposed parking provision being not enough/too much. However, your Officers feel that this provision is reasonable for a town centre location.
- 15.23 At the time of writing (9th August 2013) the Highway Authority had not formally responded to the application, although it did have detailed pre-application discussions and is very unlikely to object at this stage. Any comments and requested conditions will appear on the amendment sheet.

Construction Phase:

- 15.24 This element could produce inconvenience of a different sort. The narrow access to the site needs to be used carefully. It is not acceptable for the larger vehicles to use this at all times of day, and in some circumstances it may not be acceptable at all. For this reason it is proposed that a construction method statement be placed as a condition so that these matters can be carefully controlled, for example the use of smaller vehicles.

15.25 It is also proposed to condition the hours of delivery of materials. Separately to this, the hours of work will be informed by a demolition and construction advisory note which state which hours of work are acceptable. Whilst it is tempting to cover this by condition as well, our experience has shown that Environmental Control legislation is more effective than Planning.

15.25.1 The issue of construction vehicles and the route they will take has also been raised, in particular by residents of The Dell – although the houses on the lane equally stand to be affected. The routing of traffic is also to be covered by the Construction Method Statement at condition 11, and the applicant is also advised within the Informatives that The Dell is not an ideal route for such purposes. However, it must be acknowledged that, due to physical constraints, The Dell might have to be used at some point for however limited a time.

Other Matters:

15.26 The comments from the owners of 37 Priory Street about not having been consulted are noted. However, 37 Priory Street was consulted, as were over 100 other properties. It is unreasonable and unrealistic to expect Colchester Borough Council to consult neighbouring properties and also expect them to establish whether the owners live remotely and consult them as well.

15.27 Drainage is a matter for Building Control, and the applicants have advised that the existing drainage system can be used.

15.28 It must also be recalled that the extant use of the site is as a B2 (general industrial) use. Therefore, at any time, all of the things which residents fear (large vehicles, parking nuisance) as well as noise and disruption from the works themselves, could occur. This fact must be mentioned as a material consideration.

16.0 Conclusion

16.1 The principle of the development is acceptable. Whilst the design is modern this is not unacceptable in itself. Residential amenity is adequately protected and the usability of the lane is not held to be affected. Issues outside of the Planning system may be dealt with by other means. On balance, approval is recommended.

17.0 Recommendation

17.1 APPROVE subject to the following conditions:

18.0 Recommended Reasons for the Decision

18.1 The Planning Committee, having considered the recommendation contained in the officer's report, was of the opinion that the proposal does comply with the relevant policies in the Statutory Development Plan (as set out above). In particular Members were of the opinion that the proposal warranted approval because the site is currently unsightly as seen from Colchester Conservation Area 1 and this application represents a chance to get rid of a non-conforming industrial use in a predominantly residential area. Thus, having had regard to all material planning considerations the Council is of the opinion that the proposal will not cause any harm to interests of acknowledged importance that would warrant the refusal of this application.

19.0 Conditions

(1) ZAA - Time limit for full permission

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) Non Standard Condition

With the exception of any succeeding conditions which require amendments, the development hereby approved shall comply in all respects with the submitted drawings DS/DL1 rev A, DS/DL2 rev A, DS/DL3 rev A, DS/DL4 rev B, DS/DL5C; DS/DL5B, DS/DL5AB, DS/DL5BB, DS/DL6 rev A, DS/DL6A. DS/DL7 rev C, DS/DL8 rev B, DS/DL9 rev B, DS/DL10 rev C, DS/DL11 rev B, DS/DL12 rev C, DS/DL13 rev B, DS/DL14, DS/DL15 and DS/DL16 rev B.

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

(3) Non Standard Condition

Prior to the commencement of development the applicants shall submit, to the satisfaction of the Local Planning Authority, drawings which clearly distinguish the proposed carriageway from existing parking spaces (as accrued over time and shown in legal deeds) and any proposed footway or passing places. Such domains shall be clearly demarcated by contrasting surface materials (as far as is within the control of the applicant) prior to the occupation of any of the units hereby approved.

Reason: In the interests of Highway safety and for the convenience of the users of the site.

(4) ZBC – Materials to be agreed

Prior to the commencement of development, 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.

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

(5) Non Standard Condition

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for the carriageway, existing parking places, passing places, private, non-adoptable accessways, driveways, footpaths and footways and proposed parking spaces 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.

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

Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

Prior to the commencement of development, 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 must be prepared, and is subject to the approval in writing of 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) ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

Prior to the commencement of development other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved, unless otherwise agreed, in writing, by the Local Planning Authority. 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) ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

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) ZG3 - *Validation Certificate*

Prior to the first OCCUPATION of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 9.

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

(11) ZPA – Construction Method Statement

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have 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 (including how the site is accessed);
- 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) Archaeological Watching brief

Prior to commencement of development, details of a watching brief to be carried out by a suitably qualified archaeologist (during construction works) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with these agreed details. In the event that any significant archaeological features or remains are discovered which are beyond the scope of the watching brief (and require fuller rescue excavation) the construction work shall cease immediately and shall not recommence until a revised programme of archaeological work including a scheme of investigation has been submitted to, and approved in writing, by the Local Planning Authority.

Reason: To enable the inspection and recording of any items of archaeological importance.

(13) PD removal (houses)

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

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

(14) Non Standard Condition - Travel Packs

Prior to the first occupation of the development, the developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, which shall have been previously submitted to and approved, in writing, by the Local Planning Authority, to include vouchers for 12 months free bus travel for each eligible member of every residential household. The vouchers to be valid for exchange during the first 6 months following the occupation of the individual dwelling unit.

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

(15) Non standard Condition

Prior to the occupation of any of the units hereby approved, the applicants shall submit drawings showing each of the parking spaces to be allocated to specific units within the development. Such spaces shall then be clearly marked out in a manner to be agreed with the Local Planning Authority, and shall be retained as such thereafter.

Reason: To avoid parking conflict, and so that future occupiers may be aware of the restrictions on site prior to purchasing/occupying the units hereby approved.

(16) Non Standard Condition

Prior to the first OCCUPATION of the development, the bicycle parking facilities indicated on the approved plans shall be provided and made available for use. These facilities shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

(17) Non Standard Condition

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.

(18) ZCA – Residential Code for Sustainable Homes Part 1

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings shall have been submitted to and agreed, in writing, by the Local Planning Authority.

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

(19) ZCB – Residential Code for Sustainable Homes Part 2

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

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

(20) Non Standard Condition

The planting as shown on the submitted drawings shall be completed in the first available planting season after the substantial completion of the development hereby approved. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority 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.

Reason: To ensure an appropriate visual amenity in the local area.

(21) Non Standard Condition

Prior to the commencement of development, the applicant shall provide drawings and information to the satisfaction of the Local Planning Authority which show a reduction in the depth of the laurel bordering Laurel Cottage and the crown lifting of the trees to allow refuse freighters to access the site. These works shall be carried out in accordance with such details prior to any unit being occupied.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of visual amenity in order to preserve existing vegetation.

(22) Non Standard Condition

Prior to the commencement of development, the applicants shall submit in writing, to the satisfaction of the Local Planning Authority, a proposed method for ensuring that The Dell cannot be used as access to or from the development site. Such arrangement must be in such a way as to accommodate existing rights of way where necessary. These arrangements must be kept in place at all times.

Reason: In the interests of the residential amenity of the elderly residents of The Dell.

(23) Non Standard Condition

Prior to the commencement of development, details of the provision, siting, design and materials of screen walls and fences shall have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first occupation of the dwelling to which they relate and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

(24) Non Standard Condition

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

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

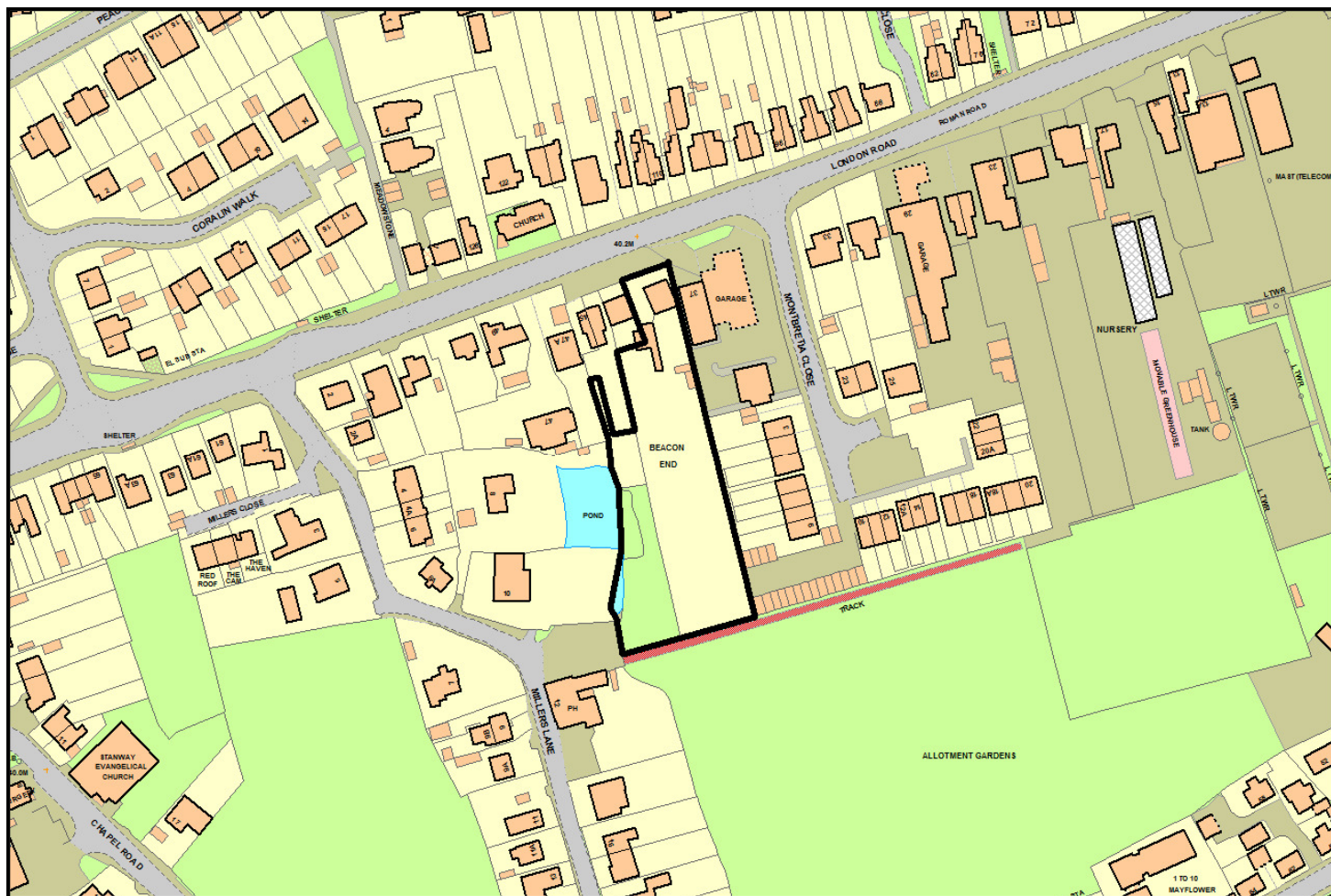
PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) Please note – This Planning permission does not negate other obligations on the part of the land-owner in terms of existing rights of access and parking rights which have been previously accrued by third parties.

(5) In relation to condition 11 (Construction Method Statement) the applicant is advised that, irrespective of any right of way, The Dell is not suitable for the passage of construction vehicles due to the fact that this is a heavily populated residential development with many parked vehicles. If any such access is unavoidable, then the applicant is urged to give residents ample notice.

21.0 Positivity Statement

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



Application No: 146380

Location: 39-43 London Road, Stanway, Colchester, CO3 0NR

Scale (approx): 1:1250

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7.4 Case Officer: Mark Russell**MINOR**

Site: 39-43 London Road, Stanway, Colchester, CO3 0NR

Application No: 146380

Date Received: 25 November 2014

Agent: Mr Peter Le Grys

Applicant: Beech Hill Property Development

Development: Demolition of one dwelling and construct one house and eight bungalows

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Lesley Scott-Boutell on the grounds of overdevelopment and impact on residential amenity.

2.0 Synopsis

- 2.1 This report describes a proposed development of nine dwellings (in the place of one) and looks at objections which have been raised relating to, amongst other things, claimed overdevelopment, impact on a pond and wildlife, loss of privacy and Highway impact.
- 2.2 It is explained that all of these matters can be dealt with by condition or are not reasons for refusal. However, it is explained that amendments to the layout and design were sought to improve the impact on the street-scene, and that the scheme is acceptable and approval is recommended.

3.0 Site Description and Context

- 3.1 The development site comprises the existing bungalow at 39 London Road, Stanway, together with its large garden which contains several trees.
- 3.2 The pattern of development is very varied in the vicinity. The London Road frontage has mainly two storey houses dating from the early 20th century, next to the to-be demolished bungalow is the Texaco petrol station, further back and next to the site is a well-established pond with some properties to the south and east and the charming older properties of Millers Lane beyond these. To the south of the site are allotments and the car park to the 'Live and Let Live' public house, to the west are the bungalows of Montbretia Close.

4.0 Description of the Proposal

- 4.1 The proposal is to demolish the existing 39 London Road (a bungalow) and replace it with a two-storey dwelling. It is also proposed to erect eight bungalows (1 x 2 bedroom, 7 x 3 bedroom) in the existing garden of that house.

5.0 Land Use Allocation

- 5.1 Predominantly residential. Potentially Contaminated Land, Landfill Site.

6.0 Relevant Planning History

- 6.1 140587 - Demolition of one dwelling and construct ten dwellings (nine dwellings net).
Refuse - 25/04/2014

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

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

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP15 Retention of Open Space and Indoor Sports Facilities
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
DP25 Renewable Energy

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010, amended 2014) policies set out below should also be taken into account in the decision making process:

n/a

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

Backland and Infill
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments
Stanway Parish Plan and Design Statement (2011)

8.0 Consultations

- 8.1 The Highway Authority has not objected subject to the provision of vision splays, parking and turning, no loose materials and other matters described in the conditions at the end of this report.
- 8.2 Environmental Control (Contaminated Land): *"This is an acceptable Desk Study for Environmental Protection purposes and, based on the information provided, it would appear that the site can be made suitable for the proposed use: we would therefore recommend that these additional risk assessments (including having regard to, but not limited by, all of the points listed above – i.e. asbestos, ground contamination from oil, a nearby historic waste pit, possible lead/arsenic from pesticides etc.) could be dealt with by way of condition, if you were minded to recommend approval."*

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

9.0 Parish Council Response

- 9.1 Stanway Parish Council has responded as follows:

Stanway Parish Council OBJECTS to this proposal due to the increase in traffic, lack of parking, the density and design of the development which is overbearing and not in keeping with the area. Loss of privacy, loss of wildlife habitat, and potential flooding issues on the London Road. There is also the issue of the crossover from the development exiting onto London Road adjacent to a busy petrol station. The exit from the petrol station already creates problems with traffic leaving and accessing, so this will be increased by placing a new access road within such a short distance of this busy exit.

- 9.2 On reconsultation, with an amended set of drawings, Stanway Parish Council repeated its position:

After discussion it was RESOLVED that Stanway Parish Council strongly OBJECTS to this proposal due to increase in traffic, lack of parking, the density and design of the development which is overbearing and not in keeping with the area. Loss of privacy, loss of wildlife habitat including Greater Crested Newts which are known to be in the pond, and potential flooding issues on the London Road. Also the incidents of parking on the London Road obscures the proposed visibility splays.

10.0 Representations

- 10.1 Seven letters of objection were received from neighbouring and nearby properties. These covered the following points:

- Overdevelopment
- Impact on the pond and wildlife
- Flood risk
- Extra traffic
- Pollution
- Difficulty of access for emergency vehicles
- Loss of part of the pond
- Pollution to the pond
- Loss of privacy
- Too close to Montbretia Close
- Inadequate parking/turning space
- Noise and disturbance
- Loss of trees
- Loss of light
- Design out of keeping
- The applicants have no right of access from the pub car park
- There is no nearby bus access

- 10.2 Two letters of support were received, stating that the proposal was more appropriate than the previous application and that this was the type of accommodation that older people wanted. It was disputed that there would be an increase in traffic which would give rise to any significant concerns.

- 10.3 An amended set of drawings was submitted, showing various changes suggested by your Officer (detailed in the main report section). On receipt of this a reconsultation took place. Six objections were received, partly from the same parties as before (although three new parties objected). The objections largely repeated the previous points made, but some other points were raised:

- It is unacceptable to turn the bungalows in to two storey dwellings
- The Planning Officer has twice met with the developers, but not the residents

OFFICER COMMENT – The objector has been misinformed on this last point. Your Officer has not met with the developers, but did alert the current occupier of the house that he needed access to the rear garden.

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

11.0 Parking Provision

- 11.1 The drawings show the requisite number of parking spaces, i.e. 225% parking for 9 plots = 20.25, or more logically 20 spaces. This is in the format of two spaces per unit plus two for visitors. Discounted in this calculation is provision for 41 London Road which is a like-for-like replacement (see below).
- 11.2 In terms of dimensions of garages those for units 3 and 4 comply with standards (internal dimensions of in excess of 3 metres x 7 metres). The garage shown for unit 9 is deficient, but is not required for parking provision as plot 9 already has two spaces.
- 11.3 Regarding the parking spaces, those relating to plot 1 needed to be a little wider. They needed to be 2.9m + 0.5m space to the side due to the structure/obstacle in the way of the opening door (in this case the refuse sack store wall and the boundary fence to Plot 1). This was achievable by moving the boundary to Plot 1 a little to the north. Plot 3 similarly needed to have its boundary fence moved in by 300mm. The arrangement at Plot 6 did not work as only 2.9 metres existed to the boundary. This was capable of remedy by the plot boundary being moved 500mm north at the point where the parking space was proposed. The visitor parking next to Plot 2 needed to be a little wider, which required the planting belt to be thinner at that point.
- 11.4 All of these issues were remedied with the resubmitted drawings, and therefore it is confirmed that all matters relating to parking provision are satisfied.
- 11.5 The amended drawings have also shown that 41 London Road is to be provided two parking spaces to the rear (just off of the access road) with the visitor spaces there reduced to one (a second being provided at the rear of the site). Therefore, the question regarding parking to the front (which appears to be informal, but which, it is believed, may have been accrued as right overtime) is not an issue. The issue initially arose as number 41 notionally has parking to the side of it (although it appears it has not been used for a long time) which would be lost to the development – hence, alternative provision was required.

12.0 Open Space Provisions

- 12.1 n/a

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Principle

- 15.1 Members will be aware that the site is within the settlement limit of Colchester/Stanway and is within a predominantly residential area. Therefore the principle of residential development cannot be resisted.

Layout

- 15.2 The layout is a logical one for this site which is a long, backland site that widens slightly at the southern end. The space between the new Plot 1 and the existing 41 London Road gives a view on to the planted belt which then opens up into a longer view down towards Plot 7.
- 15.3 As initially arranged, the terminal vista was disappointing – namely a view of parked cars. However, the application has now been amended, with Plot 7 and its parking being flipped so that the view is now of the gabled front section of that plot.

Design

- 15.4 The design for the house on to London Road is a standard red brick two over two style which fits in with the majority of the two-storey dwellings in the area. Regarding the bungalows, these are largely shown with their short axis on to the road and with a subservient projecting front section. All materials are brick and slate, but with some concrete tiles.
- 15.5 Elevational improvements have been provided showing an uplifted scheme with ornamental barge-boards, quoins and a finial which give the scheme a higher quality of appearance. This has necessitated a steeper pitch and thus lifting up of the roofs.

Highway Issues

- 15.6 The Highway Authority has not objected to the proposal. It has requested vision splays which are easily achieved on this road and has requested other items which are also easily achieved. A Type 3 turning head exists to allow emergency vehicles and refuse freighters to enter and leave the site in a forward gear. A further vehicular turning head is also offered at the south-western end of the site.
- 15.7 Objections have been made suggesting that the proximity to the Texaco garage makes the situation dangerous. However, this is an existing situation for numbers 39, 41 and others. There is an area to the front of those properties comprising a footway and some “no man’s land” which is thought to belong to the Highway Authority, although a right to use it for the parking of vehicles and potentially the right to even own it appears to have occurred overtime. Combined, these measure about six metres in depth which gives ample vision for motorists emerging and allows the 2.4 metres x 70 metres vision splays east and west to be provided.

Residential Amenity

- 15.8 Apart from the front plot, all of the proposed buildings are single storey, as such there is no identifiable concern about overlooking or loss of light/outlook.
- 15.9 Nevertheless, the issue of lost privacy has been raised by one party (10 Millers Lane). However, this property is in excess of 25 metres from the development site, nearly 30 metres from the nearest new house, and it must be remembered that the new house is single storey. A simple condition relating to boundary treatment (a close-boarded fence of 1.8 metres) will prevent any potential loss of privacy. This would also apply to number 8, which is 45 metres away from the nearest dwelling. Number 47 London Road already has at least one boundary fence between it and the site.
- 15.10 The increase in roof height, brought about by the steeper pitch, means that it will be more likely that roof space will be used in the dwellings. Simple use (storage and so on) requires no permission, but insertion of rooflights can be controlled by the Local Planning Authority. As such, permitted development rights will be removed for the insertion of windows above ground floor. Each case would then be looked at on its merits.
- 15.11 The proposed eastern boundary has now been bolstered with planting to a depth of about two metres. This means that the passing of motor vehicles should cause limited disturbance to the properties of Montbretia Close.

Amenity space

- 15.12 Complies with standards – a minimum of 60m² for the three-bedroom properties and 50m² for the two-bedroom property. The latter is marginal (55m²), but is balanced by the fact that three properties have well in excess of 100m². On the whole this is usable space, although it is accepted that Plot 3 has two sections of approximately 11.5 x 5 metres and another chunk off this measuring 4 metres x 9 metres. It must be remembered, however, that the first section almost complies with the entire minimum on its own. Plot 9 also has two identifiable “chunks”, one of which thins to just under four metres in width and is not usable at its northern end due to trees. However, it must be recalled that this garden measures 161m², which is more than two-and-a-half times the required minimum.
- 15.13 In context, these gardens are small when compared to some neighbouring properties, for example 43 London Road which measures about 300m², or 400m² at 47a. However, a more representative context of this bungalow development is Montbretia Close. Here the neighbouring bungalows’ gardens (numbers 3-9) cover a range of about 75 to 100m² which is comparable to the application site.

The pond

- 15.14 This has been raised as a concern by several parties, both in terms of the issue of water run off and also habitat.
- 15.15 As the area is not in floodzone 2 or 3 (the nearest such site being over a mile away at Cymbeline Meadows and Hillyfields to the east) and is less than one hectare, it does not require a Flood Risk Assessment.

- 15.16 The pond is said to receive water run off from London Road and from Millers Lane and drawings have been provided by objectors which show a pipeline running from London Road under number 45, through the grounds of 47a London Road and 8 Millers Lane into the pond. The fear raised is that the new hard surfacing of the development will add to run-off and the pond will not be able to cope. It has also been claimed that the development site is partially on the pond and the smaller body of water will be unable to cope with the extra demand.
- 15.17 Regarding the latter, measurements have been taken on site, they show the drawings to be sufficiently accurate. If, indeed, it appears that the pond is to be diminished in any way in order to provide larger gardens (for Plots 4, 5, 6 and 9), then this matter is easily dealt with by a condition stating that the pond shall not be filled in.
- 15.18 Regarding the former, if there is a problem of flood (which has been claimed by several parties and there is no reason to dispute this) then it must be acknowledged that this is an existing problem irrespective of any development. However, it is therefore crucial to ensure that the development does not add to this problem. Therefore, a condition has been proposed which will ensure that a drainage strategy shall be submitted and that this strategy should demonstrate that the surface water run-off rates in the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall events including climate change will not exceed the run-off from the undeveloped site. This being the case, the development would not add to the existing problem and the issue can, therefore, be removed from consideration.

Ecology

- 15.19 In terms of ecology, on both the pond and the site generally, concerns have been raised about a loss of habitat. A Phase 1 habitat survey has been commissioned and given the distance to the nearest designated site, the lack of rare plant species, no concerns over invertebrates and reptiles, bats, badgers, otters etc. limited concern over amphibians (particularly Great Crested Newts), whilst it is not held that these are likely to be affected, an informative is included at the end of this report advising the applicants what they should do if they find any of these protected creatures.
- 15.20 Bird boxes are advised (and will be provided by condition) as are deadwood piles for stag beetles.
- 15.21 Regarding the issue over lost trees. It is accepted that there are several of these, and these will have to be removed and a hard streetscape will be in their place. However, these are predominantly fruit trees of little intrinsic value. The ecology report acknowledges this and a condition will be attached stating that all trees shown on the submitted drawings shall be retained.

16.0 Conclusion

- 16.1 The application is a vast improvement on the previous, refused, application for ten two-storey dwellings and has been further improved in terms of design and layout during the course of this application. Issues surrounding the pond have been dealt with, spatial standards in terms of amenity space and parking have been complied with and the Highway Authority does not object.

16.2 For the above reasons, approval is recommended.

17.0 Recommendation

17.1 APPROVE subject to the following conditions

18.0 Positivity Statement

18.1 WA2 - 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.

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby approved shall comply in all respects with the amended drawings 1129.10D, 1129.11A, 1129.12A, 1129.13A and 1129.11A in addition to the initially submitted drawing 1129-15.

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

3 - Removal of PD for All Residential Extensions & Outbuildings

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

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

4 - Non-Standard Condition/Reason

No new windows shall be inserted above ground floor level of any of the dwellings hereby approved without the submission of a Planning application to the Local Planning Authority.

Reason: In the interests of residential amenity in terms of privacy as these matters would require closer consideration.

5 - 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.

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

6 - Non-Standard Condition/Reason

Prior to the commencement of development, details of the provision, siting, design and materials of screen walls and fences shall have been submitted to and agreed, in writing, by the Local Planning Authority. This shall include further details of the proposed boundary treatment to plots 4, 5, 6 and 9 where these units border the pond and shall be offset so as to allow space for wildlife mitigation including, but not restricted to, the provision of wood piles for stag beetles. The approved screen walls and fences shall then be erected prior to the first occupation of the dwelling to which they relate and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context and it is desirable to offer landscape mitigation in the vicinity of the pond.

7 -Non-Standard Condition/Reason

Prior to the first occupation of the development hereby permitted, the parking shall have been laid out within the site in accordance with the approved plan 1129.10D. The approved parking spaces shall thereafter be maintained free from obstruction and available for parking use at all times.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied.

8 - Tree or Shrub Planting

No works shall take place until details of tree and/or shrub planting and an implementation timetable have been submitted to and approved, in writing, by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority 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.

Reason: To ensure an appropriate visual amenity in the local area.

9 - Non-Standard Condition/Reason

All trees shown as being retained on the submitted drawings (initial layout drawing retained 1129-10 rev C and resubmitted 1129-10 rev D) shall be retained at all times and 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.

10 - Non-Standard Condition/Reason

Notwithstanding the details of the drawings hereby approved NO HEDGE shall be removed at the southern edge of the site where it borders the allotment.

Reason: In the interests of visual amenity as this forms an important visual barrier between the site and the allotments and its retention is highly desirable.

11 - 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.

12 - Non-Standard Condition/Reason

The garages provided at Plots 3 and 4 shall be retained at all times for the parking of cars.

Reason: To ensure that nuisance is not caused by the parking of motor vehicles on the road.

13 - Contaminated Land Part 1 of 4 (Site Characterisation)

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

14 - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

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

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

15 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

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.

16 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

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.

17 - *Validation Certificate

Prior to the first OCCUPATION/USE 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 16.

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.

18 - Non-Standard Condition/Reason

Prior to the commencement of development, full details of all hard surfacing materials to the satisfaction of the local planning authority. Such details shall be implemented as such prior to the occupation of the dwellings hereby approved and shall be retained at all times.

Reason: In the interests of visual amenity.

19 - Refuse and Recycling As Shown

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

20 - Non-Standard Condition/Reason

Prior to the occupation of any of the dwellings hereby approved, the developer shall provide bird boxes in a manner to be agreed (including timing of provision) by the local planning authority. Such boxes shall be installed and shall be retained at all times.

Reason: In the interests of ecological mitigation as there will be displacement of birds as trees and other habitat are removed.

21 - Non-Standard Condition/Reason

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The drainage strategy should demonstrate the surface water run-off rates in the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall events including climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. No dwelling shall be occupied until all the works necessary in respect of that phase have been implemented in accordance with the approved details.

Reason: To prevent environmental and amenity problems arising from flooding.

22 - Non-Standard Condition/Reason

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres to the east and 2.4 metres by 70 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

23 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

24 - Non-Standard Condition/Reason

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

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

25 - Non-Standard Condition/Reason

The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

26 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space (with an additional 500mm if next to an obstacle such as a building or wall), retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

(3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

(6) Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

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

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

(9) The applicant is advised that in the unlikely event that any great crested newts are discovered on site during works, all works must cease and an ecologist be contacted for further advice.

(10) The applicant is advised that all wild mammals receive protection under the Wild Mammals (Protection) Act 1996 and it is a criminal offence to inflict unnecessary suffering on any of these animals. If any animal burrows are found during works, careful excavation of animals from their burrows before works commence should be sufficient to avoid an offence.



Application No: 146557

Location: 9 Barn Fields, Stanway, Colchester, CO3 0WL

Scale (approx): 1:1250

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7.5 Case Officer: Peter Hill

Due Date: 09/02/2015

HOUSEHOLDER

Site: 9 Barn Fields, Stanway, Colchester, CO3 0WL

Application No: 146557

Date Received: 15 December 2014

Agent: Tyler Surveying

Applicant: Mr Simon Grady

Development: Reroofing existing conservatory together with new windows and intermediate supports.

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an employee of Colchester Borough Council

2.0 Synopsis

- 2.1 The key issues explored below are design and impact on neighbours' amenities. It is set out that there is no material impact on either and the application is consequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site is a two-storey detached house, positioned off a private drive that extends from the adopted part of Barn Fields. At the rear of the house is a conservatory with glazed roof and walls above a brick plinth

4.0 Description of the Proposal

- 4.1 The proposal involves the rebuilding of the conservatory above the brick plinth, replacing the glazed conservatory walls with matching brick, render or boarding and the roof with artificial slate. The footprint would be the same as existing. The roof would be 0.4 metres higher

5.0 Land Use Allocation

- 5.1 The site is within the defined settlement limits where development is accepted in principle. There is no land allocation or designation affecting the site.

6.0 Relevant Planning History

6.1 None relevant

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

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

UR2 - Built Design and Character

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

DP1 Design and Amenity

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Extending Your House?

The Essex Design Guide

8.0 Consultations

8.1 None

9.0 Parish Council Response

9.1 No Response

10.0 Representations

10.1 None received

11.0 Parking Provision

11.1 Non applicable

12.0 Open Space Provisions

- 12.1 Not applicable

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Design and Layout

- 15.1 The proposal results in a more attractive appearance to the building, with higher quality, more substantial materials. The building is not prominent, being at the back of the property behind a high boundary wall.

Impacts on Neighbouring Properties

- 15.2 The extension is 2.5 metres from the nearest site boundary. Being just 2.4 metres high to the eaves, with its roof sloping away from the site boundary, the proposal would have no material impact on daylight, outlook or privacy and does not breach any of the ‘tests’ for such impacts set out in ‘Extending Your House’ and ‘The Essex Design Guide’

16.0 Conclusion

- 16.1 The proposal is minor development that does not harm materially neighbours’ amenities or the appearance of the dwelling and there are no other material planning considerations that weigh against development. In line with the presumption in favour of sustainable development, the application is therefore recommended for approval.

17.0 Recommendation

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

18.0 Positivity Statement

18.1 WA2 - 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.

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

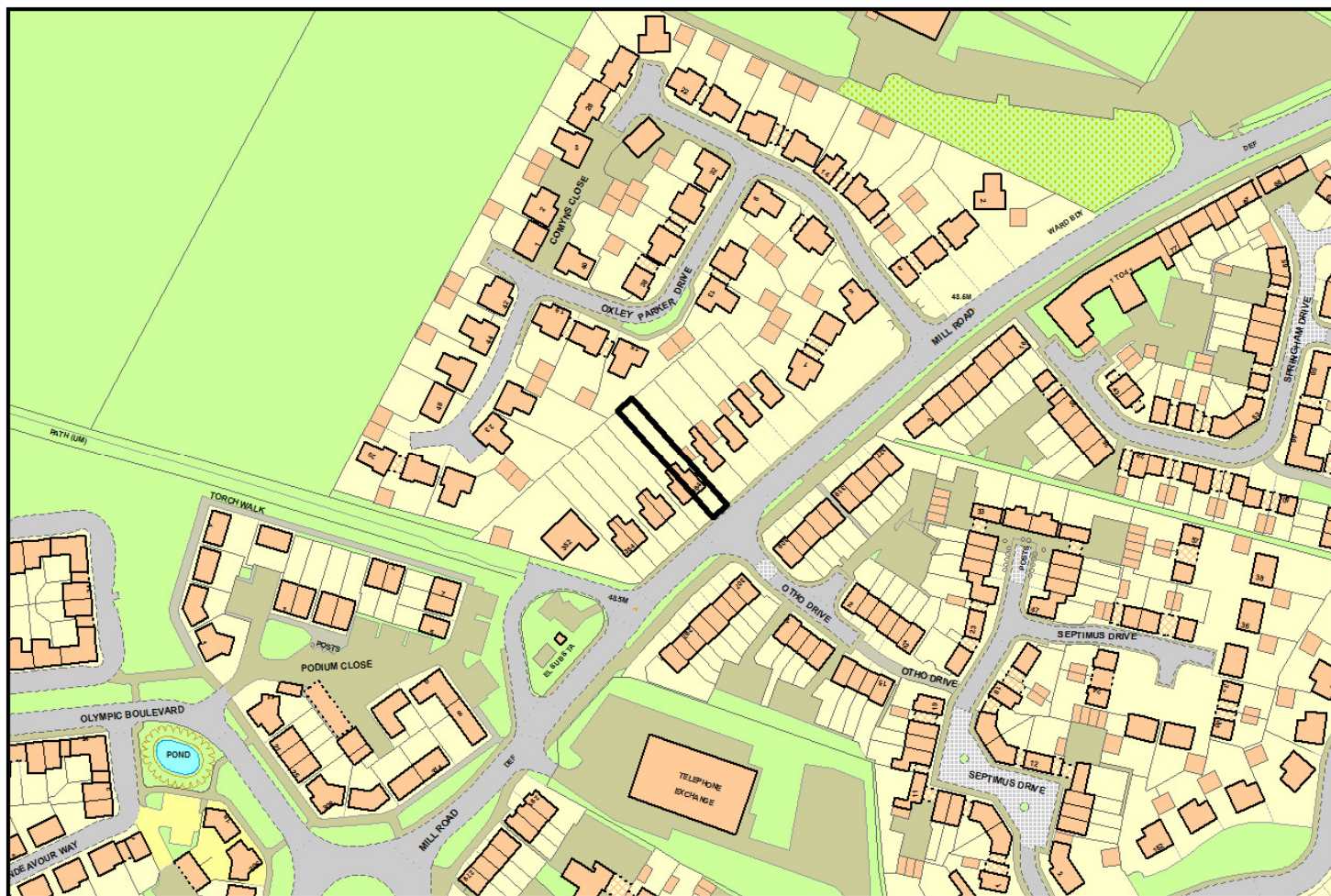
The development hereby permitted shall be carried out in accordance with the details shown on the approved drawing numbers 368-5, 368-6 and 368-1.

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

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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



Application No: 146318

Location: 364 Mill Road, Colchester, CO4 5JF

Scale (approx): 1:1250

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7.6 Case Officer: Jane Seeley**HOUSEHOLDER**

Site: 364 Mill Road, Colchester, CO4 5JF

Application No: 146318

Date Received: 21 November 2014

Agent: Mr A Feasey

Applicant: Mr & Mrs Lee Woodcraft

Development: Proposed 2 storey infill extension with part single storey rear extension. Construction of new outbuilding located in rear garden along rear boundary.

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Goss. The reason for this call in is the neighbour has asked him to because of concerns regarding: possible over development of the area; impact on light; impact on human rights and quality of life; and concerns about the size of the out building and actual usage which will occur.

2.0 Synopsis

- 2.1 This report gives consideration to an application for a part 2-storey rear extension/part single storey rear extension, and an outbuilding. The proposal is assessed in light of policy and consultation responses. It is concluded that the extension and the amended scheme for the outbuilding are acceptable and that it is not appropriate to impose conditions controlling domestic uses within the outbuilding

3.0 Site Description and Context

- 3.1 No 364 is a semidetached dwelling within linear development along Mill Road. To the rear of the property is the back/side garden of 15 Oxley Parker Drive. The rear garden has screen fencing to all boundaries. The fence to the rear boundary is approximately 2m high and there is also a laurel hedge varying in height from about 3 - 4 metres.

4.0 Description of the Proposal

- 4.1 The dwelling is “L” shaped to the rear and it is proposed to building a 2 storey infill extension to the side/rear and a small single storey extension along the rear of the existing and proposed 2-storey elements. A new window is shown the drawings in the side window of the existing house which is indicated to be obscure glazing with opening above 1.7m; it is therefore permitted development and could be built regardless of the outcome of this application. An outbuilding to the rear of the garden is also proposed. As originally submitted this building was 4 metres to the ridge. Since submission the height of the building has been revised to approximately 3 metres. The applicant’s agent has also confirmed that the use will be ancillary to the residential use of No 364.

5.0 Land Use Allocation

- 5.1 Predominately Residential

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government’s planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Backland and Infill
Extending Your House?
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 None

9.0 Parish Council Response

9.1 None

10.0 Representations

10.1 Occupier of 15 Oxley Park Drive has commented on the original scheme:

- Building is too high; it is the main view from kitchen, lounge and bedrooms;
- Impact on human rights
- Reduce light to house and decking
- Concern about noise from potential uses
- Concerned that it could be used for human habitation
- Overdevelopment and out of keeping with surrounding area.

10.2 Since submission of amended scheme and confirmation of the use the following representation have been made by the same writer:

“The reduction in height of the outbuilding will certainly be better and note the confirmation that the building will not be used for any living or commercial purposes but do still have concerns about the building being so close to our house that any noise from a games room or tools being used in a work shed will still have an affect on our family being able to enjoy a peaceful garden.”

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

11.0 Parking Provision

11.1 Not a relevant consideration

12.0 Open Space Provisions

12.1 Not a relevant consideration

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Design and Layout

- 15.1 The design of the proposed extension is appropriate and the use of contrasting materials is acceptable.
- 15.2 The amendments to the outbuilding, to facilitate amenity concerns (see below) have resulted in a rather squat building. However this will have minimal public impact and therefore given that reduction in height is desirable in amenity terms the design in this instance can be supported on balance.
- 15.3 There is no objection to the principle of a domestic outbuilding; there are examples of such buildings in nearby gardens. It is not considered that the provision of an outbuilding will result in an over development of the site.

Impacts on Neighbouring Properties

- 15.4 The proposed extension accords with criteria set out in adopted Supplementary Guidance Extending Your House? It is not considered that the extension will have an unreasonable impact on the residential amenity of the adjacent properties in Mill Road.
- 15.5 The proposed out building is close to the side boundary of 15 Oxley Parker Drive. The owners of the property have a decked sitting out area on the other side of the fence and glazed doors in the kitchen (in the side elevation facing the application site). The site for the outbuilding has been viewed from both the garden and the kitchen on No 15.
- 15.6 Given the above-mentioned concerns about the impact of the building the height has been reduced to 3 metres which is lower than the laurel hedging within the garden of No 364 Mill Road. The outbuilding is pitched front to back which result in the highest part of the building being 3 metres from the common boundary. Accordingly it is not considered that the impact of the structure on the amenity and light to the windows or garden of No 15 will be unreasonable.
- 15.7 Concern has been expressed about disturbance from uses within the building. It is not considered appropriate to impose controls on the use of machinery, radios etc in the domestic outbuilding as these restrictions do not apply to anyone else. The issue of noise and disturbance is a matter that should be dealt with under other legislation if it does occur. This is the stance recently taken by an Inspector at Appeal. If a material change of use occurred to a business use then this would require a fresh application and controls would be considered in that instance (if it occurred).

- 15.8 The recommendation is in line with Council Policy and therefore it is not considered to be infringing the objector's human rights.

16.0 Conclusion

- 16.1 This scheme is acceptable in design terms and would not cause harm to neighbouring amenity.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Positivity Statement

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

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 14-241/101C, 103B and 104B; 1:500 block plan and as augmented by the applicant's agent's email of 6 January 2015 otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

Prior to the commencement of development, 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.

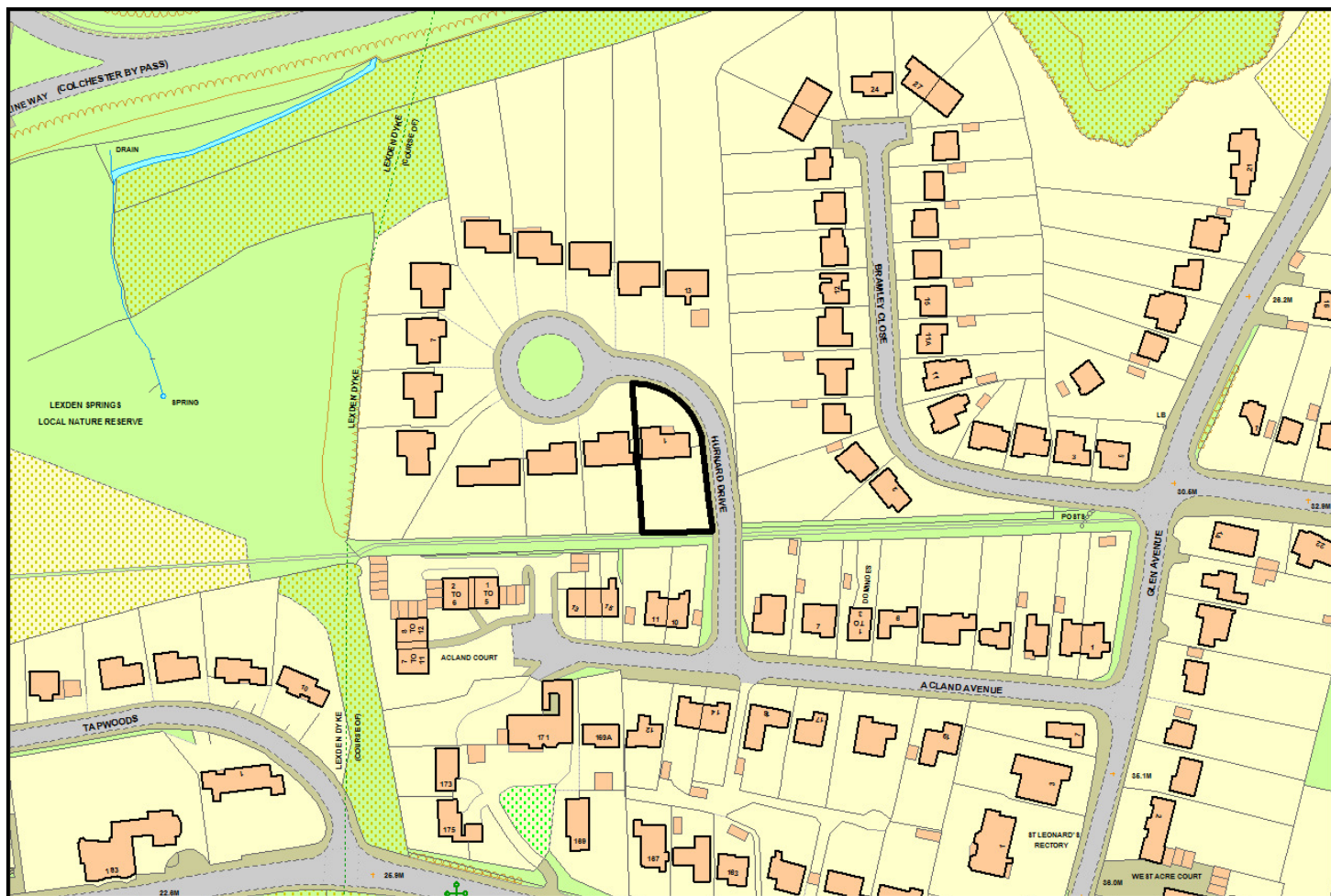
Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**
PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.



Application No: 146358

Location: 1 Hurnard Drive, Colchester, CO3 3SH

Scale (approx): 1:1250

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7.7 Case Officer: Jane Seeley**HOUSEHOLDER**

Site: 1 Hurnard Drive, Colchester, CO3 3SH

Application No: 146358

Date Received: 19 November 2014

Agent: Garratt Associates

Applicant: Mr Clark

Development: First floor extension to side and front of property over existing ground floor. Single storey front extension. New windows to existing lounge and alterations to first floor front windows.

Ward: Lexden

Summary of Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application has been called in by Cllr Buston. The reason for the call in is: *"The applicant wishes to have the matter heard before Committee in that the applicant believes the officer suggestions as to what might be acceptable would create (inter alia) a very narrow master bedroom which would not reflect the size of the existing bedrooms' widths and in the applicant's opinion would not benefit the property aesthetically"*

2.0 Synopsis

- 2.1 This report gives consideration to the design issues relating to the proposed first floor and single-storey extensions. It concludes that the proposed development fails to respect the character of the host dwelling and the surrounding built environment and refusal of the application is recommended.

3.0 Site Description and Context

- 3.1 The application site is set on a bend at the entrance to a development of 1970 detached dwellings. The road therefore runs along the east side and frontage (north) of the site. To the rear is a public footpath. The 2-storey house is rendered. It has single storey elements to the side and the front which are in red brick. The site is on a hill and the rear garden slopes down to the house which is at a higher level than the road. The rear garden has screen fences/walls and planting to all boundaries. To the south-east corner of the rear garden are a group of TPO'd trees (a TPO'd Silver Birch in the front garden has been removed; the necessary consent for the removal was given in April 2014). The front garden has domestic planting.

4.0 Description of the Proposal

- 4.1 It is proposed to erect a first floor extension to the side and front of the house and a single storey extension to the front. Three semi-circular windows are proposed at ground floor level in the side elevation. These are permitted development.

5.0 Land Use Allocation

- 5.1 Predominately Residential

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

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

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Extending Your House?
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 None

9.0 Parish Council Response

9.1 No applicable

10.0 Representations

10.1 Five representations supporting the proposal (from No's 3, 13, 12, 2 and 4):

- proposed alterations will improve the overall look of the house and the Drive
- the houses in the drive are individual in style
- the alterations will add character to the house

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

11.0 Parking Provision

11.1 No change

12.0 Open Space Provisions

12.1 Not a relevant consideration

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Design and Layout

15.1 Council and national policies indicate that all proposals should be well designed, having regard to local building traditions, and should be based on a proper assessment of the character of the application site and the surrounding built and natural environment.

15.2 Generally, the housing within Hurnard Drive retains its original character. The main 2-storey parts of the houses have a strong horizontal emphasis with a subservient single storey element along part of the front elevation and to the side which breaks up the overall bulk of the buildings. Extensions which have been built retain this pattern. For example, there are a number of first floor extensions over the side garages which do not project forward of the first floor of the original houses. This is an important design feature and helps preserve the character of the streetscene and the individual properties.

- 15.3 Contrary to this, the proposed first floor side/front extension would introduce a new feature in its large front projecting gable into the street scene. The size and prominence of this gable would be emphasised by the duality of the fenestration pattern and the fact that the east side wall of the gable does not appear visually anchored. Duality is given as a poor design feature within the adopted Essex Design Guide. It is considered that this extension is not sympathetic to the host dwelling or the neighbouring properties. In addition, the proposed single storey extension to continue the first floor element across the whole length of the front elevation. This not only fails to reflect the detailing of the other houses in locality but results in a loss of the ground floor articulation which, particularly when combined with the first floor extension, makes the dwelling appear overly bulky. Accordingly, it is considered that the proposed extensions fail to reflect or enhance the character of the host property and would have an adverse impact on the street scene. This would be contrary to policies including DP1 (Design) and UR2 (Built Design and Character), as well as the Essex Design guide and our own document "Extending Your House?".

Impacts on Neighbouring Properties

- 15.4 The proposed extension accords with criteria set out in adopted Supplementary Guidance Extending Your House? It is not considered that the extension will have an unreasonable impact on the residential amenity of the adjacent property (No 2)

16.0 Conclusion

- 16.1 This extension is not acceptable and would be harmful to the character of the host dwelling and the character of the area in general. It conflicts with several adopted policies in the Development Plan, and as the National Planning policy Framework highlights, planning laws dictate that decision must be taken in accordance with the Development Plan policies unless material considerations indicate otherwise. There is no material consideration that indicates otherwise in this case.

17.0 Recommendation – Refusal

18.0 Positivity Statement

- 18.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant who does not wish to amend the proposal. Due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

19.0 Reason for Refusal

1 - Non-Standard Refusal Reason

The National Planning Policy Framework recognises the importance of good design and this is reflected in the adopted Colchester Borough Development Plan Document (2014) policies DP1 and DP12 and the adopted Colchester Borough Core Strategy policies SD1 and UR2. These policies state that all proposals should be well designed, having regard to local building traditions, and should be based on a proper assessment of the character of the application site and the surrounding built and natural environment.

The application property is a 1970's house on the edge of a small development of similar properties. The main 2 storey parts of the houses have a strong horizontal emphasise and there are subservient single storey elements along part of the front elevations and to the sides which break up the overall bulk of the building.

In the opinion of the Local Planning Authority the proposed extensions fail to reflect the character of the host property and the neighbouring properties. The proposed first floor side/front extension would introduce a new feature in the large front projecting gable imposing itself into the street scene. The size and prominence of this gable would be emphasised by the duality of the fenestration pattern and the fact that the east side wall of the gable does not appear visually anchored. In addition the proposed single storey extension continues the first floor element across the whole length of the front elevation. This is not characteristic of the area and results in the dwelling lacking any ground floor level articulation which, particularly when combined with the first floor extension, makes the house appear overly bulky. Accordingly it is considered that the proposed extensions would have a detrimental on the host property and on the street scene. The proposed development is therefore contrary to the aforementioned national and local policies.