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Item No: 7.2

Application: 220147

Applicant: Colchester Borough Council

Agent: Mrs Rebecca Howard

Proposal: Demolition of existing garages and redevelopment of site to provide 6 x 2 bedroom flats

Location: Garage Block Wheeler Close, Wheeler Close, Colchester

Ward: Greenstead

Officer: Nadine Calder

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

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

3.0 Site Description and Context

- 3.1 The application site lies within the defined settlement limits for Colchester. It currently accommodates two flat-roofed blocks of garages in the main body of the site accessed off Wheeler Close, and a block of garages to the south at the end of Woodcock Close. The garages appear to be in a reasonable state of repair and are offered for rent (managed by Colchester Borough Homes). A total of 28no. garages are on site.
- 3.2 The site is irregular in shape and is bounded by residential development to all sides with Wheeler Close and Woodcock Close directly to the north and south of the site. Vehicular access to the site is gained off Wheeler Close to the north east with a footway linking Wheeler Close and other residential development in the vicinity to the Salary Brook running along the western side of the site.

4.0 Description of the Proposal

- 4.1 The proposal includes the demolition of the existing garages and the construction of 2no. three-storey blocks of flats that are attached (reading as a single block) and served by a shared central communal entrance. Both blocks would provide 3no. 2-bed flats each, resulting in a total of 6 no. 2-bedroom flats with associated landscaping, parking and private/communal amenity provision. The proposal is to be 100% affordable and would be owned by Colchester Borough Council and managed by Colchester Borough Homes. The palette of materials includes buff facing brickwork and blue/black facing engineering brickwork.

5.0 Land Use Allocation

- 5.1 The site lies within the defined settlement limits for Colchester but has no other allocation.

6.0 Relevant Planning History

- 6.1 In 2013, prior notification for the demolition of a block of garages (a total of 6no. garages) in the northern part of the site was granted (reference 131789). These

have since been demolished and the site laid to hardstanding to provide off street parking spaces.

- 6.2 The proposed development was also the subject of preliminary discussions in late 2020/early 2021 which helped inform the final scheme

7.0 Principal Policies

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

7.2 Local Plan 2017-2033 Section 1

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

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

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

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

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

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

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

- 7.4 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:
DP1 Design and Amenity
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
- 7.5 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:
n/a
- 7.6 The site does not lie in a Neighbourhood Plan Area.
- 7.7 Submission Colchester Borough Local Plan 2017-2033:
The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at a very advanced stage having undergone examination hearing sessions in April 2021 with re-consultation on modifications in late 2021. The examiner’s report has now been received with Section 2 found to be sound awaiting formal adoption. It must now be afforded significant weight due to its very advanced stage.

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

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

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Arboricultural Officer does not object to the proposal subject to the submitted arboricultural report being made an approved document.
- 8.3 The Archaeological Advisor confirmed that there are no archaeological issues arising from the proposed development.
- 8.4 The Contaminated Land Officer does not object to the proposed development subject to conditions, including site characterisation, submission of remediation scheme, implementation of approved remediation scheme, reporting of unexpected contamination and a validation certificate.
- 8.5 Environmental Protection raise no objection to the proposal subject to conditions, including the provision of a Construction Method Statement and the limiting of the hours of work.
- 8.6 The Landscape Advisor does not object to the proposal subject to conditions which would need to secure a pair of medium sized trees to the rear of the site where at maturity they would overhang the boundary, thereby helping soften the street scene and compensating for the loss of one of the trees.
- 8.7 The Highway Authority does not object to the proposal subject to conditions, including all off street parking to be provided in precise accordance with the details contained within the current Parking Standards, the provision of details for cycle storage, the provision of a construction management plan, vehicular accesses/parking spaces to be constructed at right angles to the highway boundary, the provision of Residential Travel Packs and upgrades to the local bus stop.

9.0 Parish Council Response

- 9.1 This area is non-parished.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 Five letters of objection were received, the main reasons for objecting were as follows:
 - Side windows will cause overlooking;
 - Loss of light;

- Loss of garages which are used for parking and storage for properties that have no garden;
- Area suffers from lack of parking;
- Increased traffic/car usage to the area;
- Access to bins will be hindered
- Concerns that new properties will attract anti-social behaviour in Wheeler Close; and
- Construction of block of flats in Scarfe Way has resulted in insufficient parking in the area.

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

10.4 A reconsultation, which incorporated the block of garages at the end of Woodcock Close into the application site, resulted in three of the households that originally objected reiterating their objections and adding the following comments:

- Balconies will increase noise pollution;
- There are safety issues with making Wheeler Close and Woodcock Close a cul-de-sac; and
- Parking and pedestrian safety will be negatively impacts.

11.0 Parking Provision

11.1 The proposal provides ten parking spaces, which falls short of the adopted standards, where a total of 14no. spaces would be required (two spaces per dwelling plus 0.25 visitor space per dwelling). The acceptability of this will be assessed in the main body of the report.

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

12.0 Accessibility

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

13.0 Open Space Provisions

13.1 The proposed dwellings have adequate amenity space overall.

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

Principle of Development

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

Affordable Housing Need

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

Design, Layout and Impact on Surrounding Area

- 16.4 At the heart of the National Planning Policy Framework (the Framework), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development, and the Framework indicates that new development should respond to local character and should reflect the identity of its surroundings. This is reflected in Development Policy DP1 and Core Strategy Policy UR2 as well as Section 1 Plan Policy SP7 and emerging Section 2 Policy DM15. These policies state that all proposals should be well designed, having regard to local building traditions, and should be based on a proper assessment of the character of the application site and the surrounding built and natural environment.
- 16.5 The proposal consists of 2no. conjoined three-storey blocks of flats that are attached and served by a central communal entrance. Both blocks would provide 3no. 2-bed flats each. This, in principle, is reflective of the character of Wheeler

Close to the north east, Woodcock Close to the south east and Scarfe Way beyond Woodcock Close, which all consist of three-storey link-attached blocks of flats, essentially forming a terraced form of development. The building as proposed would be positioned slightly off centre and towards the north eastern boundary of the site, with a communal garden area provided to the side and rear of the building while the front would be used for parking (a total of 5no. parking spaces are provided). Directly to the front of the building, a small area of soft landscaping is proposed while secure refuse storage facilities would be provided to the north west of the building. A further 5no. parking spaces are proposed to the south of the building, at the end of Woodcock Close.

- 16.6 There is a well-established building line from development along Wheeler Close the north east with development slightly set back from the road, allowing for parking and pedestrian access into the buildings as well as a grassed area between the building and the parking area.
- 16.7 The proposed development would follow this established building line and provide an informal area of open space to the front of it with parking beyond, thus being in general conformity with the existing arrangements in close proximity to the site. There is a relatively strong design uniformity of built development in Wheeler Close and development to the east and south, with buildings being brick built three storey blocks of flats with very shallow pitched roofs and gables to the sides. Whilst the proposed development would be of brick build, a more modern design approach has been adopted, which is reflected in the choice of materials, including a mixture of buff facing brickwork and blue and black facing engineering brickwork, grey UPVC windows and doors and a grey concrete plain tiled roof. The design largely follows a recently approved development for affordable housing along Scarfe Way (reference 192733).
- 16.8 While the proposed design and materials would result in the development departing from the existing architecture of built development surrounding the site, it should be noted that the design of the neighbouring buildings is now slightly dated. The Framework (paragraph 134) makes it clear that great weight should be given to proposals that help raise the standard of design in an area, so long as they fit in with the overall form and layout of their surroundings. Whilst the design of the proposed development in itself is not outstanding, as referred to in the Framework, it is considered that a more contemporary approach to the proposed development would create some visual interest in an area that is otherwise very repetitive in design and appearance. The visual amenity of the surrounding site would therefore be improved, and this would clearly outweigh the slight harm that would be caused by the proposal not repeating existing established design principles and materials used on the surrounding area. As a result, it is considered that the proposal is acceptable in terms of its overall design, appearance and impact on the surrounding area

Impact on Neighbour Amenities

- 16.9 The proposed development would be located amongst existing residential development. Consideration needs to be given as to how the proposal would affect the occupants of nearby residential properties in terms of loss of light, privacy and overbearing impacts.
- 16.10 The proposed development would be positioned adjacent to the neighbouring building to the north east (Nos. 8, 10 and 12 Wheeler Close). The proposed building would follow the established building line of properties fronting Wheeler Close to the north east of the site, however, it would be considerably deeper, and slightly taller, than the neighbouring properties. Notwithstanding this, the development has been designed to ensure that the proposed building would not cause any unacceptable impacts in terms of loss of light or overbearing impacts on neighbouring occupiers. It is noted that by extending beyond the rear wall of Nos. 8, 10 and 12 Wheeler Close, the development would introduce a relatively tall brick wall in close proximity to the rear garden of these flats, however, the rear elevation of these neighbouring properties as well as the gardens are south facing with the proposed development being located to the south west of these. This would therefore minimise the harm the proposed development may cause in terms of loss of light and avoiding appearing unduly overbearing on the outlook of neighbours. In terms of overlooking, all the windows in the flank wall would serve bathrooms and would therefore be conditioned to be obscure glazed, while the balconies would be fitted with a 1.8m high privacy screen to avoid any impact on the privacy of neighbouring occupiers.
- 16.11 There is a generous garden to the south east of the building with the nearest neighbouring building to the south east (Nos. 19-24 Woodcock Close) being located a considerable distance from the proposed building. Woodcock Close runs between the site and buildings along Woodcock Close with those also being set back a considerable distance from the road. The changing levels on the site are noted, however, despite the proposed building being positioned on significantly higher grounds than the buildings along Woodcock Close, the distance between the existing and proposed built form would ensure that no serious concerns are raised with regards to the proposed development's impact on the amenities of neighbouring occupiers to the south east in terms of appearing overbearing on their outlook or causing loss of light or privacy. It is also worth noting that, as per the recommendation of the Landscape Advisor, the developer is requested to plant two medium sized trees along the south eastern boundary of the site which would help softening the impact of the proposed development on the outlook of neighbouring occupiers.
- 16.12 Turning to the residential properties along Handel Walk to the south west of the site, it is considered that the proposed development is again positioned significantly far enough away from the rear of these dwellings, and gardens, so as to not cause any significant impact in terms of loss of light or

overbearing impacts. A footway runs parallel between the south eastern boundaries for properties along Handel Walk and the south western boundary of the site with the proposed building being concentrated towards the eastern boundary/centre of the site. The area closest to properties along Handel Walk, which is currently occupied by garages, would be laid to grass and used as a communal back garden for future residents of the site. This may therefore have a beneficial impact on residents along Handel Walk. With regard to concerns relating to overlooking, again the only side facing windows relate to bathroom windows, which are proposed to be obscure glazed. On this basis, it is not considered that the proposed development would cause any material harm on the privacy of neighbouring occupiers.

- 16.13 With regard to the proposed residential use on the site, it is considered that this is more compatible with the surrounding area than the current garage site. The proposal to create six flats on this site is held to have the potential to create less comings and goings (and associated noise and disturbance) to and from the site which would have a positive impact on the amenities of neighbouring occupiers of the site.
- 16.14 Taking into account the above, it is concluded that the proposed development is acceptable with regard to impact on the amenities of existing neighbouring occupiers as well as future occupiers of the proposed development.

Parking and Highway Safety

- 16.15 Adopted parking standards require two parking spaces per dwelling, plus 0.25 visitor parking spaces per dwelling. On this basis, the development would require a total of 14no. parking spaces. The development provides ten parking spaces, which represents an under provision of four spaces. The site lies within the defined settlement limits for Colchester and in a sustainable area where existing residents and future occupiers of the proposed development can access sustainable transport modes within a short walk from the site. There are a number of bus stops located along Avon Way, a short walk from the site, providing frequent services to the town centre, North Station and Essex University. The adopted Vehicle Parking Standards and allied adopted development policy allow for reductions of the vehicle standards to be made if the development is within an urban area that has good links to sustainable transport. This is considered to be the case in this instance.
- 16.16 Secure cycle storage can be provided within the rear garden, however the details of this are proposed to be secured via condition. The development would utilise an existing and active vehicular access and adequate turning facilities within the site are provided. The development has therefore not attracted an objection from the Highway Authority on highway safety or efficiency grounds. As such, the proposed development is held to be acceptable in this regard subject to relevant conditions.

- 16.17 The proposed scheme however affects tenanted garages. The proposal results in the loss of 28 garages. The garages are unallocated to local residents. They are managed by CBH and are rented out. Information submitted as part of the application states that 18 of the 28 garages are rented out to tenants, although it is noted that only eleven out of the 18 tenants live within a mile of the site. A further three live within 1-2 miles from the site and four within 2-3 miles.
- 16.18 The consultation exercises that have been carried out by the applicants to inform tenants of the garages that the garages they are renting are on a site that has been selected for development potential for affordable housing as part of Colchester Borough Council's ambition to deliver 350 new council homes, has resulted in eight responses at the time of writing this report.
- 16.19 The letters explained that if the site is redeveloped the Council would seek to ensure that people who are renting a garage are offered an alternative solution. Attached to the letter was a questionnaire, encouraging tenants to provide information on what they use the garage for and whether they would like to work with the Council to find an alternative garage facility should the site be redeveloped.
- 16.20 Five out of the eight respondents indicated that their garage is used either solely for the parking of a car or a mixture of car parking and storage with three stating they use it for storage purposes only. This demonstrates that not all garages are utilised for the parking of a car and that the total number of garages that would be lost would not equal the number of vehicles that would need to be displaced onto the road.
- 16.21 The Car Parking Displacement Survey that was submitted in support of this application states that at the time of their visits, which were carried out on a weekday at 1pm (this is likely to be less representative) and on a Sunday at 9am, there was sufficient capacity in the immediate surroundings of the site (i.e. within a 100m radius) for additional roadside parking and that the displaced cars would not increase the parking stress within the surrounding area to a significant level.
- 16.22 Whilst it is undesirable to displace vehicles from off-street parking into the highway, it is considered that the absence of any demonstrable harm to the detriment of highway safety and efficiency, combined with and weighed against the wider public benefits of the scheme, which include a 100% affordable housing provision, would suggest that the proposed development is acceptable in this instance. Furthermore, it should be noted that the Council, where possible, is willing to work with affected residents to find alternative solutions to mitigate the loss of their rented garage.

Private Amenity Space

- 16.23 Development Policy DP16 requires that all new residential development shall provide private amenity space to a high standard, with secure usable space that is also appropriate to the surrounding context. The minimum requirement for flats is 25m² of private amenity space per flat provided communally, resulting in a total of 150m² of private amenity space being required for this development. It is however explained that where balconies are provided the space provided may be taken off the communal requirement. These requirements are echoed in emerging Section 2 Policy DM19.
- 16.24 The current scheme provides balconies for each of the flats as well as a generous communal garden area to the rear of the building. The proposed amenity spaces (both private and communal) are all secure and usable. The proposed arrangement is therefore appropriate in its context and compliant with policy DP16.
- 16.25 Policy DP16 also states that *“all new residential development will pay a commuted sum towards open space provision and maintenance.”* No exception is made in relation to developments of affordable housing. Indeed, Supplementary Planning Document “Provision of Open Space, Sport and Recreational Facilities” specifies that *“the standards, outlined above, are to be applied to all additional new residential Units. (...) New development includes most specialised types of housing including agricultural dwellings, affordable housing and also staff accommodation since all will create additional demands for open space.”*
- 16.26 No Unilateral Undertaking or Monitoring Fee has been submitted with regard to addressing this policy. Consequently, the proposal presents a minor conflict with adopted policy. However, in similar previous cases at Council owned garage sites given permission in the past, the Council waived the commuted sum in order to make the provision of 100% affordable housing schemes viable. Given that the developer is the service provider, the requirement for contributions is effectively negated. It does not set a precedent for private market housing as this does not provide 100% affordable housing.
- 16.27 In addition, CBC is the provider and maintainer of public open spaces and is also the landowner. In this capacity, it has the power to provide and maintain the land for public benefit for the foreseeable future anyway. As maintenance of public open space is undertaken from the Council’s overall budget, there would be no net gain to the community by requiring payment of open space contributions as it would simply take money from one part of the budget and move it to another.
- 16.28 In conclusion, the scheme provides acceptable private and communal amenity space and open space provisions.

Landscape and Trees

- 16.29 Development Plan Policy DP1 and emerging Section 2 Policy DM15 require development proposals to demonstrate that they respect and enhance the character of the site, context and surroundings including its landscape setting.
- 16.30 There are a number of trees on the site and accordingly, a Tree Constraints Plan was submitted. A category C tree and two individual hedgerows are proposed to be removed to facilitate the proposed development. This has not attracted any objection from the Arboricultural Officer. The Landscape Advisor is also satisfied with the landscape aspect of the proposed development, subject to a condition which would secure the planting of a pair of medium sized trees to the rear of the site where, at maturity they would overhang the boundary, thereby helping to soften the street scene and compensating for the loss of the afore-mentioned tree. This condition was accepted by the agent and as a result of this, the proposed development is considered to be acceptable in terms of its landscape impact.

Other Matters

- 16.31 Secure refuse and recycling storage facilities are proposed to be provided to the north west of the entrance of the building with kerbside collection being proposed. The proposed arrangements is not expected to have any adverse impact on the visual amenity of the surrounding area.
- 16.32 The application site is located within Flood Zone 1 and consequently, the site is unlikely to be susceptible to flooding and the development would not contribute to surface water flooding.
- 16.33 The site has been used for garaging for some years and therefore a Ground Contamination Report was submitted with this application. The Contaminated Land Officer is satisfied with this report and concludes that the site could be made suitable for its intended use subject to conditions which have been accepted by the agent. There are therefore no objections to the proposal on the basis of contamination.
- 16.34 A payment of £137.71 per dwelling will be made in contribution towards the measures in Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected and the proposal complies with the Habitat Regulations.
- 16.35 The proposal includes the installation of solar panels which would have an both economic benefit helping address fuel poverty and mitigating climate change. This element satisfies the criteria of emerging Section 2 Policy DM25 which states that the local planning authority will support proposals for renewable energy projects (including solar panels on buildings) at

appropriate locations in the Borough to help reduce Colchester's carbon footprint.

Planning Balance

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

17.0 Conclusion

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

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAA - Time Limit for Full Permissions

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

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

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

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

WHEELC-IWD-XX-XX-DR-A-1001 Rev P04 Existing Location Plan

WHEELC-IWD-XX-XX-DR-A-1000 Rev P07 Proposed Site Plan

WHEELR-IWD-XX-ZZ-DR-A-2050 Proposed Ground & First Flr. Plans – Plot 1 to 4 (PLANNING)

WHEELR-IWD-XX-ZZ-DR-A-2051 Rev P4 Proposed Second Flr. & Roof – Plots 5 & 6 (PLANNING)

WHEELR-IWD-XX-ZZ-DR-A-2052 Rev P6 Proposed Elevations 1 – Plots 1 to 6 (PLANNING)

WHEELR-IWD-XX-ZZ-DR-A-2053 Rev P5 Proposed Elevations 2 – Plots 1 to 6 (PLANNING)

WHEELR-IWD-01-XX-DR-A-2055 Rev P1 Proposed Street Elevation – Building Heights

Arboricultural Impact Assessment (EAS-109v2, dated 22nd June 2022)

EAS-109.1 TCP Tree Constraints Plan (TCP)

EAS-109.1 TPP Rev A Tree Protection Plan (TPP)

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

3. ZBB - Materials As Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

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

4. Non-Standard Condition - Hard and soft landscaping

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

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

5. ZFE – Landscape management plan

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

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

6. ZPA – Construction Method Statement

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

the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel and body washing facilities;
measures to control the emission of dust and dirt during construction; and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

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

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

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the

Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

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

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

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

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

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

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

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

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 11.

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

11.ZG3 - *Validation Certificate*

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

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

12.Non-Standard Condition - Vehicular Access/Parking Spaces

Prior to the first occupation of the proposed development, the proposed vehicular accesses/parking spaces shall be constructed at right angles to the highway boundary and shall be provided with an appropriately constructed connection to Wheeler Close and Woodcock Way to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

13.Non-Standard Condition - Cycle Parking

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

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

14.Non-Standard Condition - Improvements to bus stop

Prior to first occupation of the proposed development the applicant shall provide improvements to the eastbound bus stop named Scarfe Way (No S4, 4 & 77A service) outside Number 150 Avon Way by the provision of 5.0m of level entry kerbing, passenger waiting hard standing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

15.ZIF - No unbound surface materials

No unbound materials shall be used in the surface treatment of the proposed vehicular access/parking spaces throughout.

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

16.ZDG - *Removal of PD - Obscure Glazing But Opening

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

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

17.ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

18.Non-Standard Condition - Residential Travel Packs

The Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling which shall be approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

19.0 Informative

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

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

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

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

3. Non-Standard Informative - Landscape

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

4. Non-Standard Informative - Highway Works

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

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

5. Non-Standard Informative - Highways

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.