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Item No: 7.1

Application: 192337

Applicant: Mr Ross Carroll, Yield Developments Ltd

Proposal: Conversion of existing building to 5 apartments. New extension to provide 4 new build 2 bedroom apartments.

Location: Lexden Manor, 8 Colvin Close, Colchester, CO3 4BS

Ward: Prettygate

Officer: Annabel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the application was called in by Councillor Sue Lissimore.

1.2 Reasons for Call In:

- Planning policy - against NPPF paragraph 123 with regards to density and detrimental impact on local residents.
- Previous decisions of the Council - past applications have been refused on density and out of character for the area - this new application does not differ sufficiently from the previous applications.
- Design, appearance and layout - extension and parking is too close to existing properties in Marlowe Way.
- Impact on visual or residential amenity - windows of lounge areas will look directly in to windows of Marlowe Way reducing their privacy. Parking is too close to property boundaries in Marlowe Way and will increase noise and pollution.
- Impact on trees, listed buildings or a conservation area - adjacent to a conservation area and is not in keeping. There are no such flat developments on other roads off the main Lexden\London Road in the area and no flats in Marlowe Way. No definition of impact on existing trees, shrubs and hedgerows.
- Highway safety and traffic - Lexden Grove and Colvin Close are already subjected to narrowing due to overspill vehicles from London Rd parking there. This has deteriorated further since parking restrictions were changed in London Rd. Also, some vehicles from the Poets Corner estate park there as it is perceived to be quicker to leave Lexden Grove then from their own road. There have been complaints to me on dangerous parking on bends, reduced visibility, obstruction and damage to kerbs and pavements due to large vehicles trying to negotiate the area. This includes refuse lorries. This will only be made worse by construction vehicles who will find it very difficult to access the site whilst building work is taking place and also refuse vehicles once the property is occupied.
- Health and safety - construction vehicles accessing the site will cause safety issue as they will be obstructed by parked vehicles consequently driving on the pavements

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale and form of the proposed development, its impact on neighbouring amenity in terms of outlook, light and privacy as well as parking provision and highways. These matters have been considered alongside planning policy requirements and other material matters, leading to the application being subsequently recommended for approval.
- 2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

- 3.1 Lexden Manor is currently a single large dwellinghouse with extensive grounds situated at the end of Colvin Close cul-de-sac.
- 3.2 The site is situated in the settlement boundary in a residential area. The site is surrounded by other residential properties that have their garden boundaries adjacent to the application site. There are existing trees and hedges along these boundaries.

4.0 Description of the Proposal

- 4.1 The proposal is for the conversion of the existing dwelling into 5 flats and to build a new extension to provide a further 4 flats.
- 4.1 The proposal consists of seven 2-bedroom flats and two 3-bedroom flats. A total of 9 dwellings a net increase of 8 dwellings. 24 car parking spaces would be provided along with a bin store and bike store. The proposed development also accommodates a large landscaped communal garden and several of the flats would have their own private amenity space. The existing driveway into the site would be widened.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 183128 – Application for the conversion and extension to provide 9 flats – Withdrawn.
- 6.2 190654 – Application for the conversion of the existing dwelling into 5 flats – Withdrawn.

- 6.3 890433 - Erection of 4 no two bed apartments, 3 no two bed cottages and conversion of manor house into 4no luxury apartments. Refused - The application was refused on grounds of '*overdevelopment of the site in particular the quantity and position of the parking and vehicular circulation space would be harmful to the amenities of residential occupiers living close to the site.*'
- 6.4 730051 - Demolition of existing house and erection of 8 private dwellings and access road – decision notice missing.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - UR2 - Built Design and Character
- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:
- DP1 Design and Amenity
 - DP11 Flat Conversions
 - DP12 Dwelling Standards
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP19 Parking Standards
- 7.4 There are no relevant policies within the adopted Borough Site Allocations Policies (adopted 2010, amended 2014).
- 7.5 There are no relevant Neighborhood Plans.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.7 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
Sustainable Construction

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Highways Authority

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

1. Prior to the first occupation of the proposed development, the proposed vehicular access shall be reconstructed to full width of the access, at right angles to the highway boundary and shall be provided with an appropriately constructed connection to Colvin Close to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the first occupation of the proposed development, the private drive shall be realigned to the reconstructed vehicular access.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. The development shall not be occupied until such time as the allocated car parking spaces for no less than 24 vehicles have been hard surfaced, signed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

6. Prior to first occupation of the proposed development, 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, 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 in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

Informative1: The Highway Authority observes that there is only one Personal Injury Collision (PIC) recorded near the junction of Lexden Grove and Lexden Road.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

8.3 Tree Officer states:

“With reference to aforementioned application I would like to make the following comments:

1.0 Survey and Analysis

1.1 Regarding the proposed development and the tree report provided:

1.2 I am in agreement with the report provided.

1.3 It should be noted that the proposal requires the removal of a B category tree (T4) to facilitate the installation of parking.

1.4 Typically we would require the retention of all A and B category trees on site, I consider that this tree is only marginally categorised as B given the tight major union of the tree. The loss of this tree can be mitigated through the use of a suitably worded landscape condition.

2.0 Conclusion

2.1 In conclusion, I am satisfied with the arboricultural content of the proposal

3.0 Recommendation

3.1 Agreement to the landscape aspect of the application subject to condition

4.0 References:

4.1 Local Plan Policies - DP1

5.0 Recommended Landscape Conditions: Make the tree report an approved document and ensure landscape conditions require large replacement trees to be provided.”

8.4 Landscape Officer states:

1.0 Comments:

- 1.1 The landscape content/aspect of the strategic proposals lodged on 20/09/19 would appear satisfactory.

2.0 Conclusion:

- 2.1 In conclusion, there are no objections to this application on landscape grounds.

3.0 References:

- 3.1 NPPF: Part 15, clauses 170-183 & (where impacting on a heritage asset, e.g. listed park & garden) Part 16, clauses 184-202.

4.0 Recommended Landscape Condition(s) & Informative (subject to clause 5.0 below):

- 4.1 The following condition(s) is/are recommended.
Standard:

ZFE – Landscape management plan

Bespoke:

Z00 – No part of the development shall be occupied 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:

- Finished levels or contours, where changes are proposed.
- 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 functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans.
- Implementation specifications (including cultivation and other operations associated with plant and grass establishment).

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.

Recommended informative:

‘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/B (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the ‘read our guidance’ link).’

8.5 Archaeologist states:

“The proposed development is situated within the area of archaeological interest that has been defined in the Colchester Historic Environment Record, less than 100m from a designated heritage asset (Scheduled Monument NHLE no. 1019963, Roman barrow known as Lexden Mount). There is high potential for encountering further below-ground archaeological remains at this location. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. The following archaeological condition (Z00) is recommended:

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in

accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

I will, on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Pre-determination archaeological evaluation is not required for this proposal. However, I would recommend that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

Informative on Archaeology: PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>"

8.6 Environmental Protection state:

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 washing facilities;

measures to control noise;

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.

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.

ZCE - 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.

Site boundary

We recommend that a 2m high close-boarded fence is erected along any boundary between the new units and existing residential properties.

EV charge points

We recommend the provision of a communal EV charge point.

9.0 Parish Council Response

9.1 Non parish

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 Objections

There have been 25 parties objecting to the proposed, some of the objectors have commented multiple times. There has also been objections from Councillors Lissimore and Davies. A summary of the matters raised:

Principle

- Over development
- Density of development

Design, scale and form

- Out of character with area
- Design, appearance and layout
- Scale of development – footprint
- Boundary treatments
 - Officer comments: All of the site's boundaries have a fence at 1.8 – 2.0m or a wall of similar height in some areas. The residential amenity of residents has been carefully considered.
- Impact on listed building
 - Officer comments: there are no nearby listed buildings.

Residential amenity

- Loss of light
- Overlooking and privacy
- Pollution due to increase number of vehicles
- Location of parking spaces – impact on residents
- Construction period and impacts.
 - *Officer Comments: The applicants have estimated that the construction works will take 9 to 12 months. Should approval be granted a Construction Method Plan will be conditioned.*

Highways and parking

- Traffic congestion
- Access for emergency vehicles
- Insufficient parking provision
- Highways safety
- Access to Lexden Road
- Rapid Transit Route
 - *Officer comment: at present this is due to go out to consultation imminently. The consultation is to discuss potential route options therefore the project is at very early inception. Nevertheless, should a Rapid Transit Route be implemented on Lexden Road in the future this would likely have a benefit to the nearby residents and proposed*

development. As it would encourage the residents to use a more sustainable mode of travel reducing the use of personal vehicles.

Arboriculture and wildlife

- Impact on wildlife
 - *Officer comment: The site is currently a residential with managed gardens there are no features on the site or in the nearby area that would require the need for an ecology survey.*
- Impact on protected trees
 - *Officer comment: There are no tree preservation orders within the the site boundary. Impact on trees within the site and outside of the site has been assessed by the Council's Tree Officer.*
- Loss of trees

Other

- Missing elevation plan
 - *Officer comment: The missing plan was indexed to the case and a 14 day re-consultation undertaken.*

11.0 Parking Provision

11.1 Development Policy DP19 parking standards states that a minimum 2 parking spaces for dwellings with 2-bedrooms or more, with an additional 0.25 spaces to be provided per dwelling for visitors.

11.2 The proposed is for a seven 2-bedroom flats and two 3-bedroom flats. Therefore, the parking provision required is 18 parking spaces and 2 visitor parking spaces.

11.3 The scheme is providing two parking spaces per dwelling, three visitor parking space and three disabled parking spaces a total of 24 parking spaces. Therefore, providing parking spaces proposed is surplus of the parking standards.

12.0 Accessibility

12.1 With regards to the Equalities Act and compliance with polices DP12 and DP17 with regards to accessibility standards, the proposed provides 5 ground floor flats and 3 disabled parking spaces.

13.0 Open Space Provisions

13.1 Amenity space is provided on site for residents but no public space can be delivered as the site/development is modest.

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. Each dwelling will also be conditioned to provided electric vehicle charging point to promote low emission vehicles in the interests of sustainability.

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

16.1 The main issues in this case are:

- The Principle of Development
- Design, scale, form, and layout
- Impact on the Surrounding Area and Neighbouring Properties
- Highway Safety and Parking Provisions (including Cycling)
- Landscape and Trees
- Private Amenity Space Provision
- Refuse storage facilities
- Wildlife Mitigation Payment
- Archaeology

Principle of the development

16.2 The application site is within the settlement boundary of Colchester. In terms of the principle of development, Core Strategy Policy SD1 seeks to locate growth at the most accessible and sustainable locations in accordance with the settlement hierarchy.

16.3 The increase in the number of small households and rising house prices has increased the demand for small low-cost dwellings, particularly from single people and young couples on modest incomes. One way of providing this type of accommodation is through the sub-division of existing dwellings. In this instance the site is large enough to accommodate not only the subdivision of the existing building but the creation of further units with an extension to the existing building.

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

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

16.5 The NPPF goes on to state that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It also states that to ensure sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). The NPPF requires the economic, social and environmental roles of sustainability to be considered together. It is considered that the proposal is likely to have a positive social, environmental and economic impact.

16.6 The expenditure by future occupiers would help to support local services. Also, in the short term the construction works would generate local employment. The development will help to provide range of homes to meet the needs of present and future generations.

16.7 The location is considered to be sustainable, it is within the settlement limits and accessible to services. The site is 600m from a large supermarket, in close proximity to a public house and there is also a nearby primary school and church. There are a number of nearby bus stops which are serviced by regular buses to Colchester town, other parts of the Colchester Borough and wider area.

16.8 The proposed development is making effective use of land therefore adhering to the environmental objective of sustainable development. Paragraph 123 of the NPPF states that it is important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

16.9 Policy DP11: Flat conversions states that within the defined settlement boundaries, proposals will be supported provided that:

- (i) the proposal is not for the conversion of an existing property with a gross floor area of less than 110 square metres;
- (ii) the conversion will not be detrimental to the appearance of the building by reason of unsympathetic additions or alterations;
- (iii) appropriate provision is made for parking, private amenity space and refuse storage facilities, in a visually acceptable manner;
- (iv) the proposal will not either in isolation or because of the cumulative impact be detrimental to the character or amenity of the street frontage;
- (v) the internal layout minimises possible noise disturbance and/or overlooking to the immediate neighbours; and
- (vi) the proposal will not result in an unsatisfactory living environment for prospective occupiers.

16.10 It is considered that the proposed complies fully with DP11 and certain elements will be further explored below.

Design, scale, form and layout

16.11 The proposed scheme has been subject to two previously withdrawn applications and two subsequent preliminary enquires with Colchester Borough Council. Consequently, the design, scale, form and layout has been discussed and negotiated at length and the currently proposed scheme is considered to be acceptable.

16.12 Core Strategy Policy UR2 states that the Council will promote and secure high quality and inclusive design. Development Policy DP1 requires that all development is designed to a high standard in terms of architectural approach, height, size, scale, form, massing, materials and design details. Good quality design ensures attractive and functional places.

16.13 Development Policy DP11 flat conversions states proposals will be supported provided that the conversion will not be detrimental to the appearance of the building by reason of unsympathetic additions or alterations and that the proposal will not either in isolation or because of the cumulative impact be detrimental to the character or amenity of the street frontage.

16.14 The proposed extension to the existing building creates an L-shaped building. Further interest to the building's form is provided by the flat roofed linking structure. This design approach allows the existing building to read separately but concurrently from the proposed extension, ensuring that the proposed reads as a later modern addition with sufficient interest and articulation. Therefore, the architectural approach to the proposed extension is considered to be acceptable.

16.15 The massing, scale and density of the proposed is also considered to be acceptable. The site is large and easily accommodates the proposed

extension providing high levels of amenity space, landscaping and parking provision in an acceptable manner. The extension does not greatly increase the footprint of the building, with a footprint increase of approximately a 1/3. The height of the proposed is the same as the existing dwelling although it is separated with a lower, flat roofed linking structure.

- 16.16 The materials have been selected to complement the existing structure whilst providing modern detailing. The render and brick are consistent materials throughout the building whilst the grey windows and doors as well as the cladding proposed on the extension are distinctly modern ensuring the extension reads as a later addition.
- 16.17 Due to the orientation of the plot there are limited views from the public realm and it is noted that the extension is located to the side and the rear of the existing building. Consequently, the design and layout do not harm the surrounding area either.
- 16.18 With regards to the existing host dwelling to be converted there will be little alteration to the external appearance of the building. The L-shape plan means that in particular the principle elevation will remain distinct.
- 16.19 It is considered that the proposed is considered to be acceptable in design terms, there is a clear architectural approach, suitable use of materials, the scale, form, height and massing is also considered to be acceptable.

Impact on the Surrounding Area and Neighbouring Properties

- 16.20 Policy UR2 of the Core Strategy and Development Policies DP1 and DP13 state that any development must respect existing and proposed residential amenity with regards to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight. Also, Policy DP11 states proposals will be supported provided that the internal layout minimises possible noise disturbance and/or overlooking to the immediate neighbours. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential amenity.
- 16.21 There have been objections received from neighbours expressing concerns with regards to neighbouring amenity.
- 16.22 The proposed has been carefully considered with regards to retaining the privacy of the existing residents. On the eastern elevation there are 3 existing side windows on the first floor and 1 existing window on the 2nd floor. The first-floor windows at present serve a bedroom and the landing. The proposed use of these windows is to serve a living room and the landing. It is considered that the change of use from bedrooms to living rooms will have no additional harm on the privacy of neighbouring dwellings. On the second floor the room was used as a games room and is proposed to be used as a living room. Again it is considered that the change of use of the room will not result in additional harm to the privacy of the neighbours and is therefore considered to be acceptable.

- 16.23 Also, on the eastern elevation there are two new windows to be introduced on the proposed extension. These windows serve a living room. However these are 30m from the site boundary and neighbour's rear gardens which is a sufficient distance away from neighbouring dwellings to meet the back to back criteria as set out in the Essex Design Guide and is therefore considered to be acceptable.
- 16.24 The western side elevation is to the rear of existing housing. Existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the proposed is approximately parallel to those of the existing homes a minimum spacing of 25m between proposed windows and the existing dwellings is required. An intervening fence or other visual barrier of above eye-level height should be incorporated to maintain an adequate level of privacy. On the proposed western elevation there are 3 new first floor side windows proposed. Two of which serve bedrooms and one a bathroom. The bathroom will likely be obscured glazed and therefore there are no concerns. With regards to the windows serving the bedrooms they are 26m from the boundary which is screened by mature trees and vegetation and is 33m from the rear of the 9 Lexden Grove therefore satisfying the Council's standards for assessing this issue as set out in the Essex Design Guide.
- 16.25 The proposed is considered well within acceptable parameters with regards to daylight and shadowing. The extension at its closest point is 13m from the nearest neighbouring dwelling and 3m from the neighbouring boundary. There would be no loss of light caused by the proposed. With regards to whether the proposed would appear overbearing there are considerable distances of the proposed extension from the neighbouring boundaries and there are 1.8 to 2m high fences and walls enclosing the site. The boundaries are also heavily vegetated and it is therefore considered that the proposed would not appear overbearing.
- 16.26 There have been objections received with regards to the location of the parking spaces. Spaces 13 - 24 are some 5 to 6 m from the boundaries. There is also a considerable number of trees and mature vegetation that is to be retained. It is therefore considered that there would be no unacceptable harm to residential amenity as a result of headlights or noise of the resultant vehicle movements. Spaces 12 to 7 are closer to the boundary, at its closest being located 2m from the neighbouring boundary. However, this is 12m from the rear of the dwelling. A additional wall is to be erected on the rear of the parking spaces to ensure that impact on neighbouring amenity is acceptable. It is considered that parking layout is acceptable.
- 16.27 There have also been concerns raised with regards to the pollution as a result of the additional vehicles. It is not considered that the additional vehicle movements associated with the proposed development is sufficient reason to prohibit development of the site. As already stated, the NPPF requires the optimal potential use of each site. It has also been explored that the proposed is in a sustainable location therefore use of personal vehicles will be at an acceptable level. However, there is a need to mitigate against

pollution and emissions therefore it will be conditioned that electric vehicle charging points will be installed to encourage the use of more sustainable personal vehicles. It should also be noted that the site is not within an Air Quality Management Area.

- 16.28 With regards to the construction period there will be a construction management plan in place, as recommended by Environmental Protection, to ensure that disruption as a result of the works will be mitigated. The work is anticipated to take between 9 and 12 months to complete.
- 16.29 It is considered that the proposed is therefore acceptable with regards to impact on neighbouring amenity and the surrounding area. The proposed development therefore accords with Policies DP1, DP11 and DP12 or the NPPF.

Highway Safety and Parking Provisions (including Cycling)

- 16.30 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 16.31 CS Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 16.32 Development Policy DP19 parking standards states that 2 parking spaces should be provided for dwellings with 2-bedrooms or more, with an additional 0.25 spaces to be provided per dwelling for visitors. The proposed is for a seven 2-bedroom flats and two 3-bedroom flat.
- 16.33 The scheme is providing two parking spaces per dwelling, as well as three visitor parking spaces and three disabled parking spaces which is a total of 24 parking spaces. This level of parking provision is considered to be robust and accords with the Vehicle Parking Standards. As the site is providing policy compliant parking including adequate level of visitor parking it is not anticipated that the development would result in increased on-street parking. Accordingly, it is considered that there would be no additional obstruction to the movement of vehicles along Colvin Close such as emergency vehicles and waste disposal vehicles and thus no detriment to highway safety in this respect.

- 16.34 In accordance with policy TA1 the proposed development is within a highly accessible location within the settlement boundaries. There are a number of nearby bus stops located on Lexden Road, the nearest bus stops to the site are approximately 100m from the site. The bus routes along Lexden Road are numerous: 505, 88, 88B, 176, 80, 83, 10, 71C, 5, 70, 70X, 65, 525 and 509. It is therefore considered that the location of the proposed accords with Policy DP17 with regards to providing sustainable modes of transport.
- 16.35 Comments have been received with regards to a Rapid Transit Plan. At present this is due to go out to consultation. The consultation is to discuss potential route options. Therefore the project is at very early inception. Nevertheless, should a Rapid Transit Route be implemented on Lexden Road in the future this would likely have a benefit to the nearby residents and proposed development as it would encourage the residents to use more sustainable modes of travel, further reducing the use of personal vehicles.
- 16.36 The site also provides bike storage, promoting cycling as a sustainable means of transport according with Policy DP17 enhancing accessibility to cycling. With regards to increasing and encouraging sustainable means of transport the site will also provide electric vehicle charging points.
- 16.47 There have also been objections received with regards to Highway safety. The Highways Authority have been consulted on the matters and as experts in this field their comments have significant weight. The Highways Authority have not objected to the proposed and have recommended approval. Therefore, overall the scheme is deemed deemed acceptable on highway safety grounds. It is understood that there would likely be an increase in the use of the road but that this would not have significant harmful effects to warrant refusal. The benefits and adherence to national legislation and local policy of the scheme have been previously explored in depth. On balance it is not considered that the increased use of the Colvin Close or access to Lexden Road as a result of the proposed is sufficient reason to refuse the application.

Private amenity space

- 16.48 Development policy DP16 states that for flatted developments a minimum space requirement of 25m² per flat should be provided communally. The Essex Design Guide states that a balcony or terrace over 5m² will also count towards this requirement. The development should therefore provide a minimum 225m² amenity space. DP11 also stated that for flat conversion that appropriate provision is made for the amenity space.
- 16.49 The proposed development provides 836m² in communal space with is significantly over the policy requirement.
- 16.50 Additionally, the proposed also provides private amenity space for several of the flats providing a total of 342.2m², therefore the proposed is considered to be acceptable.

Landscape and Trees

- 16.51 Development Plan Policy DP1 requires development proposals demonstrate that it will respect and enhance the character of the site, context and surroundings including its landscape setting.
- 16.52 The application is providing a large communal amenity area including a sitting area, further details with regards to the specific treatment of the landscape will be controlled by the use of conditions.
- 16.53 The application site has a number of mature trees and vegetation and the majority of the trees are to be retained. There is to be the removal of four category C trees and one category B tree. Typically, it would be required that all A and B category trees are retained on site. However, the Tree Officer has reviewed the category B tree and considers that this tree is only marginally categorized as B given the tight major union of the tree. Therefore, with the use of landscape conditions and the benefits of the scheme, the loss of the tree is on balance considered to be acceptable. The loss of this tree can be mitigated through the use of a suitably worded landscape condition.

Refuse storage facilities

- 16.54 Adequate secure refuse and recycling store has been provided in a visually acceptable manner. The location of the storage is away from neighbouring dwellings and the flats therefore there will be not harm to amenity in terms of noise and odour.

Wildlife

- 16.55 Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site. Accordingly, a Habitat Regulations Assessment has been under taken and relevant mitigation identified.
- 16.56 Habitat Sites are protected at the highest level and are of international importance. They are designated through the EU Birds Directive and EU Habitats Directive, and these Directives are transposed into UK law. In Colchester we have the Colne Estuary Special Protection Area (SPA), the Blackwater Estuary Special Protection Area (SPA), Abberton Reservoir Estuary Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC). The three SPAs are also Ramsar sites, which are wetlands of international importance. The Essex Estuaries SAC includes the Colne and Blackwater estuaries. Due to the close proximity of the River Stour, the southern shore of the Stour and Orwell Estuaries Special Protection Area (SPA) is also likely to be affected by development in Colchester.
- 16.57 Population growth in Essex is likely to significantly affect Habitat Sites through increased recreational disturbance in-combination with other Local

Plans. Consequently, in partnership with Natural England, the Government's advisor on the natural environment, and other LPAs in Essex, Colchester Borough Council is preparing a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. The RAMS identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance in-combination with other plans and projects. The RAMS sets out a tariff of £122.30, which applies to all residential development within the Zone of Influence (Zoi). The whole of Colchester Borough is within the Zoi. All residential proposals within the borough should make a contribution towards the measures in the RAMS 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.

- 16.58 Therefore, should the application be granted approval a payment of £122.30 per dwelling will be required. Subject to receipt of this payment, the scheme will comply with the provisions of the NPPF and Local Plan Policy DP21 which aim to conserve and enhance biodiversity.

Archaeology

- 16.59 As per the Archaeologist's comments, a condition will be applied to secure a Written Scheme of Investigation to ensure that any archaeological features are protected and/or recorded in accordance with Policy DP21 of the Local Plan.

17.0 Conclusion

- 17.1 To summarise, the application is to convert an extension large dwelling into 5 flats and the erection of an extension to provide a further 4 flats. The development will contribute towards the Borough's supply of housing, providing further small households to accommodate the needs of the borough. The proposed is considered to be sustainable development and is an optimal use of the site.
- 17.2 The proposal complies with local development framework policies and national policy. The scheme is considered to be acceptable with regards to the design, neighbouring amenity, highways safety, parking, landscape, private amenity space provision and wildlife impact.
- 17.3 In conclusion, it is considered that the proposal presents significant benefits and that the objections raised have been sufficiently addressed. Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions provided below.

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 – Approved plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:
PROPOSED FLOOR PLANS APARTMENTS 1-9 indexed 20 September 2019,

PROPOSED ELEVATIONS indexed 20 September 2019,

LOCATION PLAN indexed 20 September 2019,

PROPOSED SITE PLAN indexed 14 November 2019, ARBORICULTURAL IMPACT ASSESSMENT indexed 5 November 2019, LEXDEN MANOR BOUNDARY TREATMENTS indexed 14 November 2019

& GROUNDWORKS & SERVICE RUN PLANS indexed 14 November 2019.

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

3. ZBA – Materials to be agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

4. Non Standard Condition - 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 - Landscape

No part of the development shall be occupied 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:

- Finished levels or contours, where changes are proposed.
- 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 functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans.
- Implementation specifications (including cultivation and other operations associated with plant and grass establishment).

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.

6. Non Standard Condition - Archaeology

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

7. Non Standard Condition - 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 noise;
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.

8. Non Standard Condition - Hours of working

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.

9. Non Standard Condition - Refuse and Recycling storage

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.

10. Non Standard Condition - EV Charging

The development hereby approved shall not be occupied until the one electric charging point for all parking spaces provided as per drawing PROPOSED SITE PLAN indexed 30 September has been installed and is operational. All of the electric charging points shall be retained and shall be fully functional at all times.

Reason: In the interest in the promotion of low emission vehicles in the interested of sustainability and to mitigate impact of the development on the air quality.

11. Non Standard Condition - Vehicle Access

Prior to the first occupation of the proposed development, the proposed vehicular access shall be reconstructed to full width of the access, at right angles to the highway boundary and shall be provided with an appropriately constructed connection to Colvin Close 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.

12. Non Standard Condition - Private Drive

Prior to the first occupation of the proposed development, the private drive shall be realigned to the reconstructed vehicular access.

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 - No unbound materials

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

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

14. Non Standard Condition - Surfacing parking

The development shall not be occupied until such time as the allocated car parking spaces for no less than 24 vehicles have been hard surfaced, signed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

15. Non Standard Condition - Bicycle storage

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

16. Non Standard Condition - Travel Information Packs

Prior to first occupation of the proposed development, 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, 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.

17. Non Standard Condition - Tree Protection

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

18. Non Standard Condition - Surface water drainage

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

Reason: To minimise the risk of flooding.

19.1 Informatives

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.Non Standard Informative - Archaeology:

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

3.Non Standard Informative Highways:

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 or by post to:

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

4. 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/B (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link).

5. 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.