



Application No: 150702

Location: Homecroft, Chapel Lane, West Bergholt, Colchester, CO6 3EF

Scale (approx): 1:1250

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7.7 Case Officer: Carl Allen**MINOR**

Site: Homecroft, Chapel Lane, West Bergholt, Colchester, CO6 3EF

Application No: 150702

Date Received: 28 April 2015

Agent: Mr Steve Norman

Applicant: Woodman Properties

Development: Proposed formation of a private drive erection of two detached bungalows, erection of a two storey house, extensions and alterations to an existing bungalow to form a two storey dwelling, erection of garages and provision of associated parking facilities.

Ward: W. Bergholt & Eight Ash Green

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Willets has called-in the proposal for the following reasons – ‘Whilst not opposed absolutely to the development of the site this proposal constitutes over development in this part of the village where the planning theme is rather more spacious development. The site is also in an elevated position and it seems little attention has been given in the design to its impact on the village scape. The site is served by narrow, sub-standard lane network, on which the impact of additional vehicle traffic has not been quantitatively evaluated’.

2.0 Synopsis

- 2.1 The key issues explored below are that of design, amenity, drainage and highways. It is considered that the scheme would not have any detrimental amenity impacts to neighbours, has an acceptable design and layout and provides off-street parking to the Parking Standard with no highway safety concerns. The site is not in a Flood Zone but with reports of localised flooding the applicant has included underground water storage tanks to reduce runoff from the site. Approval with conditions is recommended.

3.0 Site Description and Context

- 3.1 The Homecroft site is a plot of land that extends to the east and south of the house known as Homecroft and to the south of Plean Cottage. Homecroft fronts onto Chapel Lane – which is to the north, whilst Plean Cottage is a bungalow set further back into the site, to the east of Homecroft with a large garage to the north between it and the highway. East of Plean Cottage is a boundary hedge with the cul-de-sac of Valley View beyond. The southern and western parts of the site fall away and are on lower ground compared to the rest of the site. The site is in the settlement boundary and as could be expected there are neighbouring dwellings surrounding the plot. On the opposite side of Chapel Lane to the north are two houses, a chalet and a bungalow. To the east on the opposite side of Valley View is a bungalow ('Laborne' which fronts onto Chapel Lane) and houses (numbers 1 and 5 Valley View). To the south-east is 'Appletrees' a detached house whilst houses are on the opposite side of Spring Lane to the west.

4.0 Description of the Proposal

- 4.1 The proposal is to extend and add a first floor to Plean Cottage – increasing the height by approximately 3.2m - to make it a three bed house. To erect a new, detached four bedroom house (Plot 1) to the north of Plean Cottage and for two detached three bed bungalows to the south of Homecroft. A new access would be installed between Homecroft and Plean Cottage and would serve Plean Cottage and the two new bungalows. Plot 1 would have its own access onto Chapel Lane. Plot 1 and the two bungalows would have their own garages and two off-street parking spaces. Plean Cottage would have two off-street parking spaces.

5.0 Land Use Allocation

- 5.1 Residential.

6.0 Relevant Planning History

- 6.1 None.

7.0 Principal Policies

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

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

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

N/A

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

Backland and Infill
Vehicle Parking Standards
Sustainable Construction
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 Highways – No objection and recommend conditions.

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

9.0 Parish Council Response

9.1 The Parish Council have stated that they accept the site will be developed. Poor quality of the information makes it impossible to determine the relationship of the buildings proposed on a sloping site. The layout does not respect the site contours, some dwelling would be 1.5m out of the ground. The design does not compliment the neighbourhood – could be improved.

10.0 Representations

10.1 Ten objections have been received and one comment stating support if good quality screening to the boundaries can be provided. The objections concern:

- large 4 bed homes are not suitable for the area
- site is too small for the number of homes
- would prefer bungalows only
- Plean Cottage should be left single-storey
- Plot 1 not suitable for 2 stories as out of keeping with nearby bungalows
- will overlook neighbours
- will spoil outlook for bungalows opposite the site by blocking views of the valley

- increasing height of Plean Cottage will reduce sunlight to their property
- room in the scheme to replace mature trees in the once beautiful garden
- the overcrowded development will be detrimental to the health and well-being of residents
- Chapel Lane has a high volume of traffic movement
- will result in at least 10 extra vehicle movements a day
- car parking is cramped on the site
- inadequate parking on site will lead to parking on the street
- will impact on safety at Chapel Lane
- rural lane will become very high density with 5 accesses within 35 yards onto an unlit, unpathed Chapel Lane
- will result in problems for emergency services
- already have new development in the village and this is one too many for the traffic congestion
- little garden space
- will sewers and drains be able to cope
- will increase flooding in the area
- Chapel Lane already experiences heavy surface water flows after rain
- hard surfacing will increase surface water runoff and there is a history of flooding in the area
- concerned over the impact to the structure of their property when the foundations are dug
- bungalows would be close to their dwelling which is timber construction. Foundation work may cause subsidence to their property
- integral garages would improve setting of the development
- gable end of garages front highway is contrary to the character of the area
- Plot 1 is too close to the highway and out of keeping with the area and a highway hazard
- Plot 1 should be set further back
- Applicants state that they will use 'free draining material' for hard-standing areas but they didn't use it in the refurbishment of Homecroft
- drainage is important as ditches and streams are overloaded
- foul water sewer can overflow into River Colne
- all surface water should be directed into engineered soakaways with sufficient capacity
- hollow claim about the environment when they have cleared the site of trees
- states existing boundary hedging to be retained but it has been already been removed

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

11.0 Parking Provision

11.1 Eight off-street parking spaces (two for each dwelling).

12.0 Open Space Provisions

12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

Amenity.

- 15.1 Amenity issues such as overlooking and overshadowing have been raised as concerns by neighbours. With regards to overshadowing the distances to neighbours would ensure that overshadowing would not be an issue. For instance, Plot 1 is approximately 21m from the nearest dwelling at Valley View (to the east) and 23m from the nearest dwelling on Chapel Lane to the north (and each has a road between it and the site), whilst Plot 3 (a bungalow) would be 20m from Appletrees (to the east of the plot). These distances alone would ensure that no neighbouring dwelling would be overshadowed. Homecroft itself would be 6m at the closest point with Plean Cottage but the orientation would ensure that there would be no shadows cast to the dwelling. Both Plean Cottage and Plot 1 would be houses with first floor windows and so the potential to overlook surrounding neighbours must be examined. Plean Cottage would have one first floor rear elevation window and it would not serve a habitual room. This window would be approximately 9m from the boundary with the nearest neighbour (number 5 Valley View). This boundary is the frontage and the neighbours dwelling is set back a further 8m, making a total of 17m from the window. As this window does not serve a habitual room there should be no meaningful opportunity to overlook this neighbour – especially with the boundary hedge in place (and strengthened). However, it would be prudent to remove Permitted Development Rights to insert any new rear elevation first floor openings or roof lights/dormer windows as these would have the potential to serve bedrooms and this could result in overlooking. The proposed rear elevation of Plot 1 would have two first floor windows – one serving a hallway and one serving a bedroom. This bedroom window would be 20m from the boundary with Laborne and 23m from the boundary with number 5 Valley View. These distances are acceptable and would not result in any amenity loss to these neighbours. The proposed front elevation would have three first floor windows – two serving bedrooms and one to a bathroom. The relationship here with the neighbour of ‘Twain’ (a bungalow) is closer, being approximately 19m from the front elevation of ‘Twain’, but is still acceptable that it is a front elevation which already has some public views into the frontage. It is therefore considered that the proposal comply with DP1 and DP13.

Design.

- 15.2 Comments have been received that the scheme is cramped, an over-development, should only be bungalows and the gardens are too small. Policy DP16 requires three bedroom dwellings to have a minimum of 60 sqm of private amenity space and four bedroom dwellings to have a minimum of 100 sqm. The proposed scheme easily meets this standard with the smallest of the three bedroom dwellings (Plot 3) offering approximately 120 sqm of private amenity space and Plot 1 (four bedrooms) with around 110 sqm. None of these figures include the space taken up by parking spaces. Given these figures it cannot be agreed that the scheme is an overdevelopment. Whilst there are some very large gardens in the surrounding area, these exceptions to the more modest sized plots in the neighbourhood and the proposed plot sizes are in line with the character of the area and Policy DP16. The scheme is a mix of houses and bungalows and this does reflect the existing character around the site – with the bungalows located on the land that drops in levels. Whilst some of the objectors believe that having Plot 1 as a house is inappropriate for the area, there are several houses fronting Chapel Lane (including Homecroft itself). Plot 1 would be slightly closer to the highway than the existing properties, but would have a small garden to the front which would soften the visual impact in the street scene. The cul-de-sac layout is acceptable and the adjacent Valley View is a cul-de-sac itself so the scheme is not against the pattern of development in the area. The scheme was subject to a lengthy Preliminary Enquiry where the Council's Urban Designer had a strong input. This current application has the support of the Urban Designer who has recommended conditions regarding detailing. The comment that the garage gables facing the road is inappropriate seems misjudged as only one garage could be described as facing Chapel Lane and it is set back 13m from the highway and would have no real presence in the street scene. With these considerations the proposal complies with UR2 and DP1.

Highways.

- 15.3 Chapel Lane is a narrow road - although capable of allowing traffic to pass in either direction. Chapel Lane outside the application area drops to the south-west where it meets Spring Lane. Objectors have claimed that Chapel Lane already has a high volume of traffic and is a rural road. In Officers opinion neither of these views are wholly correct. Chapel Lane is narrow with no kerb or road markings but is in a residential area. The proposed four new dwellings would all use Chapel Lane and concern over the resulting increase in vehicle movements/congestion has been raised. The Highway Authority at Essex County Council have commented that Chapel Lane has low traffic volume and low vehicle speeds and have not objected to the scheme. The physical attributes of Chapel Lane – the narrowness, lack of markings and gradient – would strongly suggest that drivers would be very unlikely to be driving at fast speeds. It is also considered that the resulting vehicle movements from the proposed dwellings would not significantly increase vehicles on the road or congestion in the area. The parking spaces that would be provided would provide adequate off-street parking. In the case of Plot 1 the garage has internal measurements to allow it to be considered as a parking space. Whilst one parking space is indicated in front of the garage another car could easily park on the drive in front of this space. Plots 2 and 3 have garages provided but the internal dimensions of them mean that they could not be considered to be a parking space, however two parking spaces are shown in front of the garages and like Plot 1, the drive could accommodate another vehicle on each

drive. Plean Cottage is shown to have two off-street spaces. Given these spaces the proposal provides off-street vehicle parking to the adopted Standard and accords with DP19.

- 15.4 Further comment has been received stating that the proposal has annexed the highway verge into the site and the plans should not therefore be approved and that the scheme should provide adequate pedestrian escape from traffic. Highways at Essex County Council have seen these comments and still maintain that they have no objection to the proposal and the agent has also recently supplied plans at a greater scale that clearly show that a verge would be continued to be provided outside Plot 1. The agent has also stated 'It will be noted that the proposed picket fence and hedge planting will be behind the root line of the previous hedge and that the verge will remain and will in fact be wider than previously due to the thick hedge having been removed'. The verge that is shown on the most recent plan is 1.5m wide outside plot 1.
- 15.5 Some concern has been expressed by neighbours that the planting behind the proposed picket fence would limit the visibility splay for vehicles leaving Valley View cul-de-sac. Again it is noted that Highways have not objected to any part of the proposal and that Condition 5 of the suggested conditions requires the provision and retention of a visibility splay. It is also noted that the landscaping shown on the plans at the moment is indicative and would ultimately be subject to landscaping conditions as outlined in Conditions 9, 10, 11 and 12.

Flooding/drainage.

- 15.6 Many of the objectors have expressed concern on how the proposed development would increase flooding in the area and have stated that flooding is a long standing issue in the area. First of all it should be noted that the site is not in any recognised Environment Agency Flood Zone. In fact, the nearest Flood Zone is approximately 700m south of the site around the stream at Newbridge Mill. However, given the topography of the site and the surrounding area, localised flooding would not be unexpected. To address this possibility and the concern raised by the neighbours, the applicant has offered to install rainwater harvesting systems at each of the proposed dwellings. The rainwater that would be harvested from each roof would be collected in underground tanks and used for toilet flushing, limited washing and for garden watering. The applicant has stated that the size of each tank would be determined by the provider of the systems based on the size of the dwelling and the roof area. The applicant has also restated that they would use only permeable material for hard standing. Both of these features should result in no increase in surface water leaving the site than the current arrangement and these features are considered to adequately address the flooding concerns of residents. It would be advisable to condition the precise details – such as the capacity of the storage tanks and the exact material for the hardstanding, along with the position of the soakaways. The proposal therefore accords with Policy DP20.

Other matters raised.

- 15.7 Comment has been made that the proposal will result in loss of outlook to the existing neighbours. Given the already stated distances to neighbours (over 20m in most cases), the proposed scheme would not impact on outlook. Some neighbours will of course have a view over the site altered, but loss of a private view is not a valid planning consideration.
- 15.8 The site has been cleared of vegetation in the centre but screening remains to the boundaries with neighbours. This existing screening should be conditioned to be retained and protected during the construction phase and should be enhanced in areas where there are gaps via a landscaping condition.
- 15.9 Concern has been raised over potential damage to existing dwellings by the digging of foundations. The two objectors who have raised this are both over 20m from the site so it would be doubtful if the digging of foundations could impact on dwellings such a distance from the development.
- 15.10 With regards to the visual impact and the impact on the village scape, the site is within the settlement boundary although close to the fringe. There are existing houses in the area and the two proposed houses would not fundamentally change the character of the immediate area or the village. Neither would they appear alien to the area, especially given that Plot 1 (that would front Chapel Lane) would be very similar in design to Homecroft.

16.0 Conclusion

- 16.1 Whilst the proposal has attracted a lot of objection, the scheme accords with Policies that concern, amenity, design, parking and flooding.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1502/1, 1502/2, 1502/3, 1502/4, 1502/5, 1502/6, 1502/8 and Location Plan unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

4 - Non-Standard Condition/Reason

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

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

5 - Non-Standard Condition/Reason

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 11 metres to the north east and 2.4 metres by 11 metres to the south west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

6 - Non-Standard Condition/Reason

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

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

7 -Non-Standard Condition/Reason

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

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

8 - Non-Standard Condition/Reason

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

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

9 - Non-Standard Condition/Reason

Prior to the commencement of development, there shall have been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the publicly visible parts of the site and boundaries, which shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

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

10 - Non-Standard Condition/Reason

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

11 - Non-Standard Condition/Reason

Prior to the commencement of development, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

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

12 - Non-Standard Condition/Reason

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

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

13 - Non-Standard Condition/Reason

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

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

14 - Non-Standard Condition/Reason

No development shall commence until a scheme for the surface water drainage systems (including soakaways) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety prior to the first occupation of the units.

Reason: To prevent any increased risk of flooding by providing a satisfactory means of surface water disposal.

15 - Non-Standard Condition/Reason

No development shall commence until full and precise details of the underground rainwater storage containers (including the capacity of each container) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety prior to the first occupation of the units, and shall be maintained thereafter.

Reason: To prevent any increased risk of flooding by providing a satisfactory means of rainwater storage.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

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

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

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

20.0 Positivity Statement

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