

Planning Committee Meeting

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

Thursday, 16 July 2015 at 18:00

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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Access

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Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan* 1989) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

- | | |
|--|-------------------------|
| 1. Necessary | 2. Relevant to planning |
| 3. Relevant to the development permitted | 4. Reasonable |
| 5. Precise | 6. Enforceable |

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withstand challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer's Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction and Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

- (a) a cinema,
- (b) a concert hall, (c) a bingo hall or casino,
- (d) a dance hall,
- (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyard or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

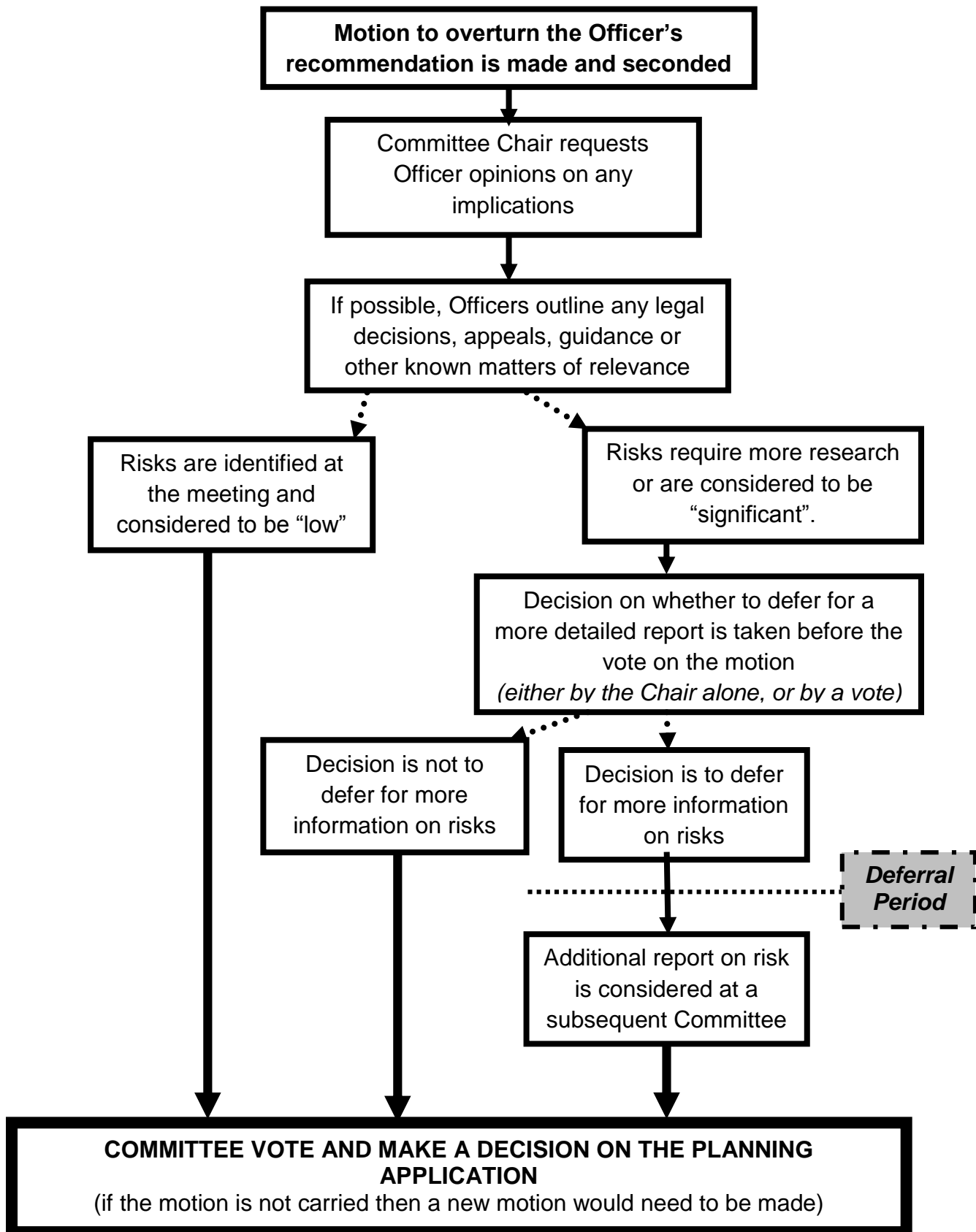
Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 16 July 2015 at 18:00

Member:

Councillor Jon Manning
Councillor Jessica Scott-Boutell
Councillor Peter Chillingworth
Councillor Helen Chuah
Councillor Jo Hayes
Councillor Pauline Hazell
Councillor Brian Jarvis
Councillor Mike Lilley
Councillor Jackie Maclean
Councillor Patricia Moore
Councillor Rosalind Scott
Councillor Laura Sykes

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop:-

Councillors Christopher Arnold, Lyn Barton, Tina Bourne, Roger Buston, Kevin Bentley, Nigel Chapman, Barrie Cook, Robert Davidson, Beverly Davies, Andrew Ellis, Annie Feltham, Bill Frame, Ray Gamble, Dominic Graham, Annesley Hardy, Marcus Harrington, Dave Harris, Julia Havis, Peter Higgins, Theresa Higgins, Cyril Liddy, Sue Lissimore, Fiona Maclean, Kim Naish, Nigel Offen, Gerard Oxford, Philip Oxford, Will Quince, Peter Sheane, Paul Smith, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A

(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of the items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

These speaking provisions do not apply in relation to applications which have been subject to the Deferral and Recommendation Overturn Procedure (DROP).

3 Substitutions

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

4 Urgent Items

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

5 Declarations of Interest

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

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

being held unless he/she has received a dispensation from the Monitoring Officer.

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

6 Minutes

There are no minutes for confirmation at this meeting

7 Planning Applications

In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

7.1 150492 Cannock Mill, Old Heath Road, Colchester 17 - 46

Co-housing residential development of 23 one, two and three bedroom homes and a listed building as a co-housing common house with associated outdoor and parking spaces

7.2 151012 CBC Car Park West, Priory Street, Colchester 47 - 52

Interpretation panel containing General Historical information and logos including friends of Colchester Roman Wall

7.3 150754 58 Parkwood Avenue, Wivenhoe 53 - 62

Demolition of existing house and construction of a new five bedroom house with attached garage

7.4 151009 6 Barn Fields, Stanway 63 - 70

Conversion of loft space and creation of dormer window

7.5 151097 27 Elianore Road, Colchester 71 - 78

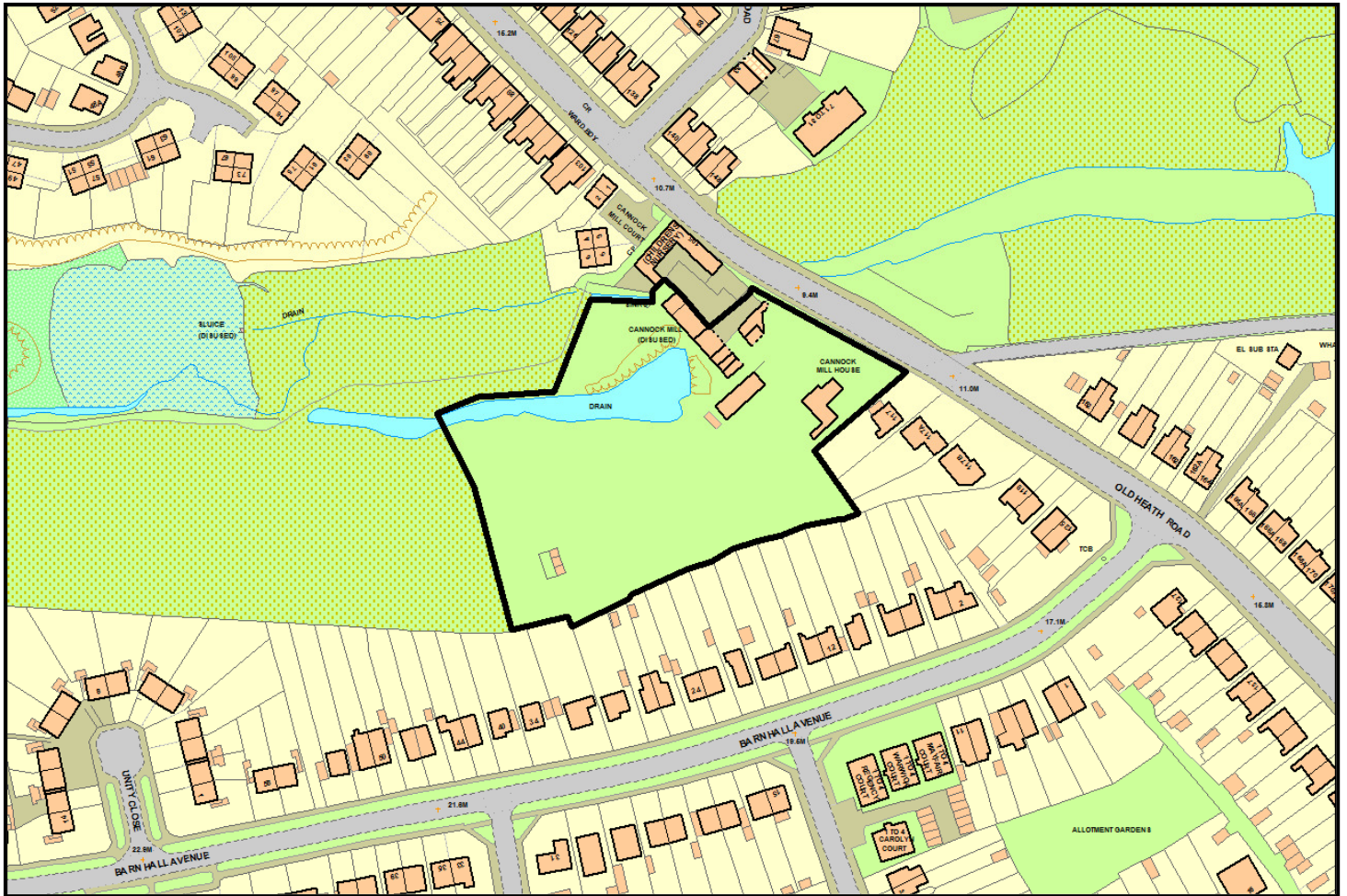
Two storey rear extension with basement for private use

8 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)



Application No: 150492

Location: Cannock Mill, Old Heath Road, Colchester, Essex, CO2 8AA

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **16 July 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson

MAJOR

Site: Cannock Mill, Old Heath Road, Colchester, Essex, CO2 8AA

Application No: 150492

Date Received: 12 March 2015

Agent: Anne Thorne Architects LLP

Applicant: London Countryside Co Housing Group

Development: Cohousing residential development of 23 no. 1,2 and 3 bedroom homes and a listed building as a cohousing common house with associated outdoor and parking spaces.

Ward: Old Heath

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application and objections have been received. A legal agreement is also required.

2.0 Synopsis

- 2.1 The key issues explored below are:

This full planning application submitted by the LoCo Cohousing Group proposes a community of 17 houses and 6 flats, sharing the facilities and amenities of the renovated Mill building and the 200m2 of communal gardens. The Groups project vision is "to be a cutting edge example of sustainable design and living". The development involves the erection of 23 no 1, 2 and 3 bedroom homes. Objections

have been received and the report explains and comments on the issues raised. Viability is also referred to and the parking provision explained. The recommendation is one of approval (subject to agreement on viability) and subject to a legal agreement being signed and appropriate conditions.

3.0 Site Description and Context

- 3.1 The site has an area of area is 0.9 hectare with a frontage of approx. 30 metres to Old Heath Road; widening to over 60 metres with a depth of approx. 120 metres. The area is predominantly residential in character and comprises 2 storey semi-detached and linked terraced houses. These are principally inter war, with some Edwardian properties on the opposite side of the road and adjacent to the site. There is both private and former public housing along the south boundary in Barn Hall Road.
- 3.2 There are commercial properties scattered along Old Heath Road but concentrated at the junction with Cavendish Avenue, some 400 metres from the site; where there is a Co-op store and post office; and the junction with Wimpole Road, some 650 metres from the site, where there are doctor's and dentist's surgeries.
- 3.3 Old Heath Road is a classified, secondary distributor road and is a major route into Colchester from the South East. The site is some 1.5 kilometres from the town station and town centre. Old Heath Road is on a bus route with regular services to and from the town centre.
- 3.4 The site is at the bottom of Bourne Valley. The land rises from front to back and side to side. Whilst this provides an opportunity for innovative design it also means the site section and level details are important to enable a proper assessment of the impact of the development. Whilst the site contains established trees plus smaller trees and hedges these are not protected by a preservation order.
- 3.5 Opposite the site is Distillery Pond a conservation area, local wildlife site, open space and green link. To the rear and on the north side is the open space of Bourne Valley also a local wildlife site and green link through which runs Bourne Brook leading to Bourne Pond. The Bourne Valley path runs through the open space and continues along part of the sites north boundary to Old Heath Road. It is possible to then walk along Distillery Lane, past Distillery Pond to Haven Road; although this is not a PROW. These landscaped areas of open space, water and nature conservation have good visual links to the site which also contains a number of mature trees and hedgerows and part of the overgrown pond located to the rear of Cannock Mill.
- 3.6 The site contains Cannock Mill, and a range of outbuildings, car ports and other small domestic structures. The outbuildings are of a mix of blockwork, timber and rendered elevations with mainly fibre cement roofs.

- 3.7 Cannock Mill is a grade 2 listed building described as: "Picturesque weather-boarded building, rebuilt in 1835, 3 storeys and hoistloft, the roofs of slates. Old tiled outbuilding on the east." A childrens day nursery occupies outbuildings on the road frontage formerly associated with the Mill and Cannock Mill House sitting on the slope to the south of the Mill completes the group. Cannock Mill House is included in the recently approved list of buildings of local importance. It is an attractively detailed traditionally composed brick dwelling with a slate roof. It has a raised position on the site due to the contours of the ground and is set in open grounds. Members should note Cannock Mill House, whilst in the applicants ownership does not part of this application.
- 3.8 The application documents include a Design and Access Statement, Heritage Statement, Tree Survey and Arboricultural Impact Assessment, Contaminated Land Assessment, Ecological Assessment, Archaeological Desk-Based Assessment and Landscape Proposals, Flood Risk Assessment, Structural Engineers Report (Mill building), Asbestos Refurbishment/ Demolition Survey (Mill building), Travel Plan, Sustainable Design and Construction Report and Statement of Community Involvement.

4.0 Description of the Proposal

- 4.1 The submitted information indicates "LoCo Cohousing is a not-for-profit organisation which wishes to transform the Cannock Mill site into a community of 17 houses and 6 flats, sharing the facilities and amenities of the renovated Mill building and the 200m2 of community gardens. The current members of LoCo are 16 men and women, all over 50, who are committed to good design, environmental sustainability and community involvement. We hope to attract like-minded people from the Colchester area to make up the full size of the group – between 30 and 45 people. The project vision is "to be a cutting edge example of sustainable design and living". Two essential features of this vision are the low energy design of the housing units (to Passivhaus standards) and our environmentally aware travel arrangements".
- 4.2 The information indicates the scheme is not a traditional development it is a Co-housing Self Build scheme which focusses on the Common House based in the mill. Each household is independent but the Mill will provide space for activities, such as crafts, library, and the provision by the community of meals 3 times a week. It will be designed managed and maintained by the Co-housing group.
- 4.3 This full application proposes 23 units comprising 10 3-bed and 7 2-bed houses and 4 1-bed and 2 2-bed flats.
- 4.4 The development proposes a terrace of 17 houses following site contours and comprising a mix of 2 and 3 storeys units. The rear elevation of these units is set back 1.8m to create a balcony at either first or second floor level. Materials comprise a self-coloured lime render finish in a range of "natural mineral shades" and porches of locally sourced chestnut with metal roofs. They have a stepped garden to the rear with a communal garden beyond including vegetable gardens. This terrace is orientated north-south to maximise passive solar gains and minimise heat loss.

- 4.5 The flats are proposed in an “L” plan range generally in the area of existing outbuildings which are to be demolished. The building also contains 3 garages, cycle parking and the main communal refuse/recycling area. This building is linked to the listed mill by a new lift faced in corrugated metal cladding. It is two storeys in height with the return wing set at a higher level as the site rises from the road. The design of the flats is described as a modern interpretation of the adjacent barns and is clad with untreated chestnut boarding beneath a pitched corrugated metal roof. There are areas of raised decking overlooking the pond.
- 4.6 The listed Mill building will be converted to a common house. The most significant external work is the lift. Other works are internal alterations mainly on ground floor inserting partitions to create guest bedrooms. The open plan spaces on first and second floors are retained and will be used to provide dining/kitchen and lounge areas respectively.
- 4.7 The existing access from Old Heath Road will be slightly modified and a single ‘street’ will serve the development.
- 4.8 Trees within the site include a mixture of Silver Birch, Cherry and Walnut. There are Lime trees along the southern boundary and Sycamore trees to the northern edge adjacent to the Bourne Valley path along with some Willow in the area of the old mill pond.

5.0 Land Use Allocation

- 5.1 The site is allocated as predominantly residential.
- 5.2 The frontage of the site was originally allocated as residential and part of the rear garden shown as private open space however through the Local Development Framework and Core Strategy examination process the site allocation has been revised.

6.0 Relevant Planning History

- 6.1 111672: Outline planning permission granted for 23 dwellings. This application proposed a single access for the day nursery and residential development. It agreed the principle of a contemporary design for the dwellings within the site whilst requiring buildings of traditional themes adjacent to the mill.

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 that are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

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

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

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

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP25 Renewable Energy

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

- Backland and Infill
- Community Facilities
- Vehicle Parking Standards
- Sustainable Construction
- Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing

8.0 Consultations

8.1 Archaeological Advisor

The site of this development is an area of archaeological interest, and high potential, recorded in the Colchester Urban Archaeological Database. The current Cannock Mill dates to the mid 19th century and is a Grade II Listed Building (ref. 1337742). However, documentary sources record a mill on the site in the early 14th century, belonging to St Botolph's Priory (UAD ref. MON1050). Cannock Mill was one of three on the Bourne Stream, along with Bourne Mill to the west and Hull Mill to the east. The mill pond, although silted, survives as an historic landscape feature, along with the Bourne Stream. It is known from historical sources that the mill was rebuilt in 1600, with both corn and fulling mills in 1632. There is high potential for encountering surviving archaeological remains but no archaeological investigation has been undertaken to establish what, if anything survives of the earlier recorded mills. There is also high potential from encountering earlier, undocumented mills at this location. In addition to the mills, there is also some potential for encountering other archaeological remains in this landscape setting, which is topographically favourable for early occupation of all periods. An Iron Age vessel is recorded from an adjacent site, suggesting there is potential for remains to extend into the current site (UAD ref. ELM 878). There is also high potential for encountering palaeo-environmental and geo-archaeological remains at this location (i.e. waterlogged deposits).

An Archaeological Desk-Based Assessment has been carried and as a result conditions are recommended: ZNL

8.2 Environmental Protection raises no objection subject to conditions

8.3 Contaminated Land Officer "I note that the reports have submitted in support of this application. These are satisfactory for Environmental Protection purposes and I would comment as follows:

1. The Asbestos Survey has identified some asbestos-containing material which has been recommended for removal, prior to demolition/refurbishment and in accordance with obligations under the Control of Asbestos Regulations 2012: Environmental Protection will expect these recommendations to be followed.
2. It is noted that some contamination (lead and PAHs) has been found in excess of the chosen generic assessment criteria at certain locations (please note that the approach to lead contamination risks has been revised and that the C4SL has approximately halved the screening value for lead) and that this may be attributable to the presence of ash. These exceedances are said to be in the vicinity of public open space and it is proposed that this could be addressed by way of a 300mm clean capping layer, or by removal of hotspots.
Please be advised that Environmental Protection would expect to see the minimum of 450mm of clean soils in landscaped areas. However, a greater depth would be expected for areas where crops are grown (600mm), or where tree pits are required (1m). Please also note that since sample locations have been chosen by both targeted and non-targeted criteria, statistical analysis may not be relevant.
3. Where contamination is to remain, additional testing, risk assessment and validation is proposed (leachate risks to controlled waters, bioavailability).

4. With regard to ground gas risks, a total of four ground gas monitoring visits have been made, including at low atmospheric pressure. A maximum flow rate of 7.1 l/hr has been recorded and a gas screening value calculated, indicating a Characteristic Situation 2, requiring basic gas protection measures. However, since the maximum flow rate is 0.1 l/hr above the CS2 classification, it has been suggested that additional monitoring could be undertaken to provide greater certainty of the results and classification.
5. Whilst not strictly within my remit to comment on, I note the self-build element of this application: any necessary remedial actions will therefore need to be designed in a manner which will allow remediation and verification to be carried out satisfactorily.

Environmental Protection would therefore like to see further clarification on the matters raised, above. However, based on the information provided, it would appear that the site could be made suitable for the proposed use, with the additional information provided by way of condition.

Consequently, should permission be approved for this development, Environmental Protection would recommend inclusion of conditions.

8.4 **Landscape Officer** is satisfied with the landscape content/aspect of the proposal subject to conditions.

8.5 **Arboricultural Officer** Generally I am in agreement with the scheme but we will need site specific arboricultural method statements for the bespoke works such as lifting the hardstanding and demolition of buildings in RPAs; fencing installations etc.

Officer comment: this information has been submitted.

8.6 **Environment Agency** We have reviewed the information submitted and have no objection, but request the conditions below are appended to any permission granted. Please see our detailed comments below.

Land Contamination

The site is underlain by a Secondary A aquifer (sands and gravels), nearby groundwater abstraction and is also in an EU Water Framework Directive Drinking Water Protected Area. Bourne Brook runs along the northern boundary of the site. It is thought highly likely that any groundwater identified in the permeable soils associated with the Secondary A aquifer are in direct hydraulic continuity with the watercourse, so should be considered as environmentally sensitive.

The Geo-environmental and Geotechnical Ground Investigation, produced by Jomas, referenced P8562J351 and dated November 2014, states that no specific Controlled Waters risk assessment has been carried out for the site. The recommended works recommend either a capping layer or removal of contaminated material. We agree with the recommendation for leachate testing but also add that groundwater sampling would be beneficial to the risk assessment. Parts of the site are likely to be in hydraulic continuity with the adjacent watercourse. Follow up works should include a detailed risk assessment of the potential risk to Controlled Waters from contamination at the site.

The Flood Risk Assessment (FRA), produced by Ellis & Moorse, Consulting Engineers, recommends that infiltration features are not appropriate and do not form part of the proposed surface water drainage scheme. If this is the case we require no further comment. If infiltration devices are considered, we will require re-consultation. We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without

this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

8.7 **Anglian Water**

ASSETS

Section 1 – Assets Affected

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. “Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

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

Section 4 – Surface Water Disposal

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

Section 5 – Trade Effluent

5.1 Not applicable.

8.8 **Highway Authority**

The following comments have been provided following receipt of an amended Travel Plan.

NOTE: Appropriate vehicle visibility splays are available in the highway.

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to conditions

8.9 **ECC Flood & Water Management**

Thank you for your re-consultation which provides this Council with a revised Flood Risk Assessment and Micro-Drainage results for the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We are statutory consultee on surface water from the 15th April.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the revised FRA and Drainage Strategy and the associated documents which accompanied the planning application, we now consider that planning permission can be granted subject to conditions

We also have the following advisory comments:

The proposed development falls within the Critical Drainage Area (CAD2) as outlined in Colchester Surface Water Management Plan. Preferred Options have been outlined in the SWMP and partnership funding is currently being sought for this catchment. As such, we would encourage that a financial contribution be made, secured by the Local Planning Authority via Section 106 agreement. The development falls at the bottom of CDA2 therefore will benefit from work carried out in the upper catchment to reduce flood risk. The contribution will go towards mitigating the impact of flood risk within the CDA, benefiting the development and surrounding community and this will be achieved through potential improvements to the drainage infrastructure which would be advantageous to the new development. There is therefore an opportunity for long term benefits and increased sustainability to the development whilst contributing to reducing off-site flood risk to the surrounding area.

For any works that are deemed to affect the flow in ordinary watercourses, we advise that you seek advice and permission with the LLFA.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

8.10 **Historic Buildings and Areas officer**

The works to the listed building are relatively limited. The most intrusive works will be the works to insulate the building. These are to be done from the inside and will use mostly breathable materials. There should be no external visual impact as a result of the insulation. Windows and some doors will receive secondary glazing and other doors will be altered to open outwards so they can remain in place and be used as shutters, with glazing installed behind.

At ground floor level new partitions would be inserted and a new window to the rear. The partitions constitute less overall subdivision than would have been envisaged with a conversion to residential and are acceptable. Other than these works the other works to the building on other floors are reasonably minor. A window would be converted into a door to access the proposed decking area to the rear of the building. The opening into the kitchen at first floor level would be widened and a new hatch, of reasonably minimal dimensions would also be inserted. A modern window in the gable would be replaced. The most obvious alteration will be the new lift tower to the southern end of the mill, the entrance hall, and the new flats adjacent. The lift tower is proposed to be external, which will minimise the impact on historic fabric. New openings would be required to access the lift at first and second floor levels and from the guest accommodation at ground floor level into the hall. Internally the modern staircase would be replaced.

In comparison to the extent of works that would have been envisaged for a conversion to the conventional dwelling, this scheme is less intrusive and likely to result in a building that retains a reasonably tangible degree of its historic character. The first and second floors would remain almost entirely unsubdivided. Efforts have been made to minimise the number of new openings and to reduce the impact of alterations to openings, and given that conversion has been accepted in principle it is considered that little more could have been done in this respect.

The insulation works will be breathable and thus should limit any harm to historic fabric. It would be appropriate for an assessment to be made to ensure that there is no risk of interstitial condensation between the insulation and the external walls. I am somewhat confused by one note on the insulation drawings, which states a weatherproof membrane. Is this a breathable membrane such as Tyvek? This would be acceptable but a vapour barrier would cause concern. Recent research has shown that, combined with breathable materials, omission of a vapour barrier is preferable as this assists with regulation of relative humidity levels in historic buildings, reducing the risk of dampness and possible long-term problems with rot. Can this detail be clarified please?

I also have some concern with the details of how moisture would be excluded from the ground floor rooms which are partly underground. I note that a waterproof render is specified, but in the context of a traditional building that tends to move with the seasons I doubt that the longevity of this would be adequate. An alternative might be to investigate a system such as NewLath where moisture is allowed through the wall but is separated from the living areas by a material based on the egg-box profile allowing moisture to drain down safely without affecting the dry living area. This might need to be combined with a system that would allow the water to drain away, but it seems that this system, which works with the building rather than against it, tends to work better in the long-term.

There is no objection to the other proposals, which will not harm the special character of the listed building. Replacement of the staircases is not controversial although additional details showing the design of the replacement staircase are needed.

The adjacent flats, entrance hall and lift tower will have the most immediate impact on the setting of the listed building and as such need consideration within this application. The designs of these are all acceptable and no objection is raised to them. However the workmanship, detailing and materials of each will need to be carefully considered and controlled to ensure their quality is appropriate for the setting of the listed building. Further details of the proposed materials and detailing are necessary, particularly to understand the intended finish of the timber cladding and the corrugated metal roofing and cladding. Samples of these finished as intended should be required. Similarly the detailing of the joinery including windows, doors, eaves, verges, cills etc. are needed. There is some concern that the details and materials used adjacent to the building should have a low key appearance that is recessive in character so that the mill building remains the focal point. Therefore a soft colour and finish to the render and cladding materials is necessary to assist the new structures to sit comfortably in this historic context.

Some further detail is required to clarify the exact insulation details. Further consideration of the damp-proofing at ground floor level is also necessary to ensure that the system selected will have sufficient longevity that further works will not be necessary once the building has been converted. Apart from this the application will be acceptable with 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 N/A

10.0 Representations

10.1 3 representations in support and 2 objections have been received.

10.2 Support

So much thought, care and consideration has gone into these plans. Excellent layout and so much thought put into the details. It will be an asset to Old Heath and look forward to its completion

10.3 Objection

Butterfly Barns Day Nursery.

- We are directly adjacent to the development and can be clearly seen on the edge of the plans. We will inevitably be affected by the development due to our common location and access to the site. My primary reason for writing is to protect the children in our care and to ensure the best outcome for them.
- While we have no objection to development of housing on the site, we are unhappy with regard to the access arrangements. These objections are listed below for your convenience and relate directly to the Design and Access statement document, page 8.4 of 4.
- Shared widened access: The nursery currently uses the main access to Old Heath Road and has done so for many years. The nursery is by far the biggest user, where the traffic situation is just manageable at the moment during peak times of pick up and drop off. Currently there is no other appreciable traffic on the site as the Mill is unused even when it was used it would involve a few cars per day as a maximum. The development would increase the use of the shared access - we feel the increase in cars could quite easily equal the nursery traffic - a doubling of traffic flow over a day. Even with a wider access, this would be an increased danger in terms of traffic flow to all concerned, children, parents and staff who use the combined access.
- In addition, the widened access is misleading as not all of this land has access rights and the development traffic would not have use of the full frontage. As such, this would fail to meet traffic requirements without further widening of the access should the nursery object to its use.
- We also dispute the car parking area shown between the nursery and the Mill. While some of this has access rights it is significantly smaller than represented in the plan, so the area available to the development would be much smaller than shown. While this may be accidental on their part, it does not give a true representation of the area available for the development to use.
- We therefore suggest that the development should provide alternative access arrangements to the site, possibly using the existing Mill House access to minimise the risk and danger to nursery users.
- Access to Rear of Mill: It has become clear to us that development would like to use nursery car parking area between the nursery and the Mill for vehicular access. The reason is for local parking at the rear of the Mill rather than parking in the communal car park and walking over. There is no obvious mention of this on the plan that we can see although it might be referred to as an overflow carpark to

the north? The impact of through traffic past the nursery would be unacceptable and dangerous given the sharp turn and single width nature of the route. The route would pass over the culverted river to reach the rear of the Mill a route seldom used in the past. It is not suitable and never will be for an access route and we wish to draw this to the planners attention so appropriate steps can be taken to prevent future use as part of the permission you may grant. Allowing regular or frequent access via this route would be a danger to children in our care. We would expect and hope planners apply extreme caution given the proximity to the children's nursery.

- Layout of boundaries: We note the some of the boundaries are not in keeping with our understanding as owners of nursery freehold. In particular the restricted area between the nursery and the Mill on the top part of the plan is not correctly marked however it doesn't alter the overall application or our objections to this on access grounds.

Officer comment: Members will be aware land ownership is not a planning matter however the applicant has indicated they have right of way over the access across the front of the mill building to land at the rear and a copy of the deed has been submitted. The Highway Authority has raised no objection to the use of the access for residential and nursery traffic.

10.4 A resident has commented

- The mill and the mill house buildings currently sit against the backdrop of the Bourne Valley, which is their natural setting. Constructing new housing behind them would substantially reduce their heritage value by significantly altering their setting. The new entrance to the building and the proposed visitor parking would cause an ugly intrusion between the road and the buildings themselves.
- the mill site is immediately adjacent to my daughter's nursery and some of the proposed demolition works are within a few meters of the nursery garden. The noise, smell and dust which this would cause over an elongated period would be of substantial detriment to the well-being of the children at the nursery.
- the proposed entrance to the new site is via the same entrance used by the nursery. Even with the numbers of cars currently using this entrance, it can be difficult to safely leave the site on foot with a small toddler. Increasing the traffic using this entrance would substantially increase that risk.
- part of the application appears to include a pond and stream within the grounds of the new site. It should be pointed out that the stream is part of the Bourne Valley nature reserve and not part of the proposed site. Any plan to create a new stream meeting the Bourne stream would be a disruption to the existing nature reserve and its eco-system.

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

11.0 Parking Provision

- 11.1 Eleven houses will each have an integral garage, suitable for 1 car, and cycle storage. The other 12 units will each have one parking space. A further 9 spaces this includes visitor parking and the 3 electric cars for sharing; a total of 32 spaces. An additional 19 cycle spaces are indicated 1 for each of 12 units 3 for guests and 4 additional spaces.
- 11.2 The supporting information states that one of the essential elements of the project vision is “environmentally aware travel arrangements. The group prioritise walking, cycling and using public transport. A special feature of Co-Housing is that unlike general needs housing residents are identified before development takes place and residents can take part in travel plan measures. Everyday living arrangements will include lift sharing, car pooling, combine shopping group walks and cycle rides.
- 11.3 A detailed Travel Plan has been submitted and agreed with the Highway Authority, this sets out ways cycling, walking, bus use, reduction in travel, lift sharing and car sharing will be encouraged.
- 11.4 “The Cohousing Board, as the freeholder owner of the site and the dwelling units (which will be held on leases), will be responsible for monitoring the spaces and for taking members to task under site byelaws if this is not complied with. Responsibility for the implementation of the travel plan measures will lie with the Cohousing Board”.
- 11.5 The level of parking proposed is considered acceptable and the promotion of non-car modes of travel is welcomed. A legal undertaking is required to ensure residents comply with the Co-Housing of low/no car ownership. Officers are also concerned that should the site be sold/occupied for general housing purposes car ownership would increase. A plan has been submitted indicating where additional parking spaces could be provided. A legal agreement is also required to secure the occupation of the site by the CoHousing group and if sold /rented for general housing additional parking spaces to meet the councils adopted parking standards to be submitted to and agreed by the local planning authority.

12.0 Open Space Provisions

- 12.1 There is no public open space provision. The gardens and communal gardens exceed the Council’s minimum standards.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that a total contribution of £778,446 should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The majority of this figure is a commuted sum for affordable housing but also includes contributions for community facilities, open space sport and recreation and footpath improvements at Bourne Chase.

- 14.2 The applicant has submitted a viability appraisal which concludes the scheme is unviable and would not support any section 106 contributions. The Council has appointed the District Valuation Service (DVS) to assess the viability appraisal. Their initial report indicates the scheme could support a limited financial contribution; but significantly less than £778,446. Discussions between the applicants' advisor and the DVS are ongoing and the case officer will update Members on this issue on the amendment sheet.
- 14.3 The NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

15.0 Report

Principle of Development

- 15.1 Colchester Borough Council has an up-to-date Development Plan comprising the Adopted Core Strategy (December 2008) and the Adopted Development Policies DPD (October 2010). The site is close to the town centre, it is on a bus route and there are local facilities nearby. This is a sustainable location within the urban area of Colchester the development of such sites is advocated by government in the NPPF and supported in the LDF policies. The site is shown as predominantly residential the principle of residential is therefore acceptable. Outline planning permission for 23 dwellings was granted planning permission last year

Design Scale

- 15.2 The development involves a single street with access from Old Heath Road. A terrace of 17 dwellings faces the road following the contours of the site. These dwellings have a contemporary design with mono pitched green roofs with rendered elevations. This follows the style of design agreed with the approved outline application. The flats located at the front of the site are designed with references from the listed building and include pitched roofs and timber elevations. The buildings are of domestic scale and a mix of 2 and 3 storeys in height.

Impact on Neighbouring Properties

- 15.3 The site has a boundary with properties in Barn Hall road and the main terrace building backs onto this boundary. The terrace comprises 2 and 3 storey units which include first and second floor balconies on the rear elevations. The main living /dining rooms are also at first and second floor level lit by large windows in the rear elevation. The terrace is a minimum of 15 metres from the boundary which widens to over 30 metres. The site rises towards Barn Hall road and the properties in this road are at a higher level. Section drawings demonstrate that the second floor balconies are below the ground floor level of the houses in Barn Hall Road

- 15.4 The Council's privacy standards are set out in the Essex Design Guide (EDG). This explains that privacy can be achieved by remoteness and indicates that where rear facing houses are approximately parallel a rear "eye to eye" distance of 25 metres is required giving each garden a length of 12.5 metres. However where new properties back onto existing housing the EDG indicates the existing residents are entitled to a greater degree of privacy and recommends the new properties should have rear gardens of 15 metres even if this means the 25 metres is exceeded. The EDG also indicates that where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner of the houses. The Council's privacy standard is met due to the back to back separation distances combined with the difference in levels, the alignment of the units and arrangement of habitable rooms.

Sustainability

- 15.5 The application information states "Cohousing is an intrinsically sustainable approach to housing and the environment. By sharing, resources are reduced and greater biodiversity is possible, with shared communal gardens and shared resources like the pond" The homes are designed and will be built to certified Passivhaus, the most rigorous energy standard in Europe. This is supplemented by designing to Lifetime Home standards, which is applied to the houses and flats, and Association for Environment Conscious Building water standards. Construction will include locally grown timber cladding, organic paints, natural linoleum flooring, recycled newspaper insulation, and triple glazed windows. A sustainable drainage system is integrated with the landscape and environmental infrastructure of the scheme.

Impact on Heritage Assets

- 15.6 Cannock Mill is a grade 2 listed building Cannock Mill House is included on the recently approved list of buildings of local importance. On the opposite side of the road is the edge of the Distillery Pond Conservation Area. The Planning (Listed Buildings & Conservation Areas) Act requires the planning authority to pay special regard to the desirability of preserving the listed building together with its setting and any features of special interest which it may possess (s.66(1)). The NPPF also establishes that undesignated heritage assets such as the Mill House are a material planning consideration.
- 15.7 The application includes the removal of a range of buildings including an open garage structure attached to the south east side of the mill, a building described as a scaffold store and a garage south of the mill. No objection is raised to their removal.
- 15.8 The consultation response from the Conservation and Areas Officer is set out above. This details the works to the listed mill building which is subject to a separate application for listed building consent which will be determined under the Council's delegated powers. Members will note the works are considered acceptable and will have less impact on the fabric of the building than an extant consent to convert it to residential use.
- 15.9 The adjacent flats, entrance hall and lift tower are identified as having the most immediate impact on the setting of the listed building and as such need consideration within this application however the designs of these are all acceptable and no objection is raised to them.

- 15.10 The archaeology advisor has considered the Archaeological Desk-Based Assessment and conditions are recommended.

Highway Issues

- 15.11 The application involves widening the existing access from 4.9 to 5 metres. The Highway Authority has raised no objection to the application and is satisfied with the use of the access by both traffic generated by the residential development and the existing day nursery. They have considered the visibility splays and these are acceptable. The applicant has produced a Travel Plan which has also been agreed with the highway authority.
- 15.12 The applicants are committed to low car ownership and non-car modes of transport and the level of parking proposed is acceptable

Drainage/Flood Issues

- 15.13 The application includes a flood risk assessment (FRA) and proposals for sustainable drainage. The FRA demonstrates the development will decrease flood risk and surface run off rates from the site and that flood resilience is increased. The proposal includes sustainable surface water drainage; a series of rainwater gardens and rills will take surface water into the pond. This will reduce the impact on local flooding issues and will achieve a best water practise standard

Trees Ecology

- 15.14 The site is not in a conservation area and whilst the site contains a number of trees they not protected by a tree preservation order. The Tree Survey identifies individual trees; groups of trees; areas of trees, woodland and hedges. There are no A category trees. Trees within the site will be lost by the development but those on the site boundaries, principally limes will be retained.
- 15.15 Landscaping is identified as an integral part of the development and a full and detailed landscape scheme has been submitted. The proposals include native species and also identity opportunities for wildlife enhancement. The creation of water edge native planting next to the pond, fruit and nut trees in the grounds and gapping up the limes along the south boundary is proposed. Beech hedging is indicated to the car parks plus mix hawthorn hedgerows. Woodland planting is proposed including black poplar, small leafed limes, white willow to compliment the retained limes, oaks, alder and pollarded oak.
- 15.16 The ecological survey report and amphibian report have identified no protected species. The applicants' landscape and sustainable drainage include an integrated approach to ecological enhancement. Features such as water gardens and the green roofs of the houses will encourage local ecology flora and fauna.

16.0 Conclusion

- 16.1 The application proposes a “cutting edge example of sustainable design and living development incorporating low energy design of the housing units to Passivhaus standards and environmentally aware travel arrangements”. The development promotes a holistic approach to sustainable drainage, landscape and environmental infrastructure.
- 16.2 The proposal the first of its type in Colchester is supported. It will provide an appropriate use for the vacant listed building complemented by new contemporary buildings. Subject to agreement being reached on the viability of the scheme and the sum available for contributions*, permission is recommended. Members will be provided with an update concerning the progress on this matter.

17.0 Recommendation

- 17.1. APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to secure the following:
- The dwellings to be occupied only by members of the London Countryside Co-Housing Group. Prior to any of the dwellings being occupied by non-members a scheme of additional parking to be submitted to and approved by the Local Planning Authority the approved scheme to be implemented in accordance with an agreed timetable
 - Section 106 contributions in conformity with agreed viability of scheme* (Please refer to Conclusion above)
- 17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

APPROVE subject to the following conditions

18.0 Conditions

1 - *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 245 E 001,005, 006, 007A, 010, 011, 012, 013, 014, 015, 016, 030, 031, 100A, 101, 102, 103, 110, 200, 201, 210, 211, 215, 218, 219, 228, 232, 234, 300, 301, 302, 303, 304, 125, 126, 127, 128, 320, 321, 322, 323, 150, 151, 152, 153, 154, 155, 156, 157, 330, the Landscape Masterplan and Haydens drawing no 4746-D.

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

2 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the information, including recommendations and conclusions in the supporting documents Design and Access Statement and revised document May 2015, Heritage Statement, Landscape Proposal, Ecological Assessment, Amphibian Survey, Geo Environmental and Geo Technical Investigation, Structural Survey Cannock Mill, Asbestos Survey Cannock Mill site, Flood Risk Assessment revised, Tree Survey including Arboricultural Impact Assessment and Method Statement and Tree Protection Plan revised, Tree Survey drawing, Transport Travel and Access Report and Travel Plan revised and the Sustainable Design and Construction Statement.

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

3 - 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.

4 - Non-Standard Condition/Reason

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure that the materials are appropriate to the architectural character of the buildings and have due regard to the Listed Buildings, Conservation Area and the established townscape character of the area.

5 - Non-Standard Condition/Reason

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

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes

to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction, EU Water Framework Directive Drinking Water Protected Area and Bourne Brook) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

6 - Non-Standard Condition/Reason

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

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction, EU Water Framework Directive Drinking Water Protected Area and Bourne Brook) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

7 -Non-Standard Condition/Reason

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

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction, EU Water Framework Directive Drinking Water Protected Area and Bourne Brook) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

8 - Non-Standard Condition/Reason

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

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction, EU Water Framework Directive Drinking Water Protected Area and Bourne Brook) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

9 - Listed Building Materials

No works shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In order to preserve the historic character of the listed building and in the interests of the visual amenity of the area.

10 - Non-Standard Condition/Reason

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

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11 - *Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include: • PROPOSED FINISHED LEVELS OR CONTOURS; • MEANS OF ENCLOSURE; • CAR PARKING LAYOUTS; • OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS; • HARD SURFACING MATERIALS; • MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.); • PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC.

INDICATING LINES, MANHOLES, SUPPORTS ETC.); • RETAINED HISTORIC LANDSCAPE FEATURES; • PROPOSALS FOR RESTORATION; • PLANTING PLANS; • WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT); • SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND • IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

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

12 - 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 - *Validation Certificate

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 13.

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

18 - Communal Gardens

Prior to the first occupation of the development hereby permitted, the communal garden shall be laid out and be made permanently available for use by the occupants of all the flats to which this permission relates or in such a manner as may otherwise have previously been agreed, in writing, by the Local Planning Authority.

Reason: In the interests of residential amenity, as this communal garden is an essential element of the development.

19 - *Light Pollution for Major Development

Prior to the first Occupation/Use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 rural, small village or dark urban areas; EZ3 small town centres or urban locations; EZ4 town/city centres with high levels of night-time activity) shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

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

20 - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

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.

21 - *Residential Parking Spaces Retained

Prior to the first occupation of the development, the GARAGES/ PARKING SPACES shown on the approved plans shall be made available for use for the parking of motor vehicles to be used solely for the benefit of the occupants of the dwelling of which it forms part, or their visitors, and for no other purposes whatsoever. The GARAGES / PARKING SPACES shall then be maintained free from obstruction and for this purpose at all times thereafter.

Reason: In order to ensure that the development retains adequate parking provision.

22 - Non-Standard Condition/Reason

The approved developments' drainage scheme shall be implemented according to the Drainage Strategy Layout/Plan, as detailed in Appendix C (Drawing No. 14022/200) prior to the occupation of any of the dwellings.

Reason: To ensure sustainable drainage proposals comply with the required standards as set out in the following documents.

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide • The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

23 - Non-Standard Condition/Reason

Prior to the occupation of, and commissioning of, the development written confirmation of the maintenance and adoption shall be submitted to and approved by the Local Planning Authority. The maintenance schedule shall be according to the one detailed in the approved FRA (London Countryside Co Housing, Reference: 14022-FRA-001 Rev. A, 22/05/2015).

Reason: To ensure sustainable drainage proposals comply with the required standards as set out in the following documents.

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

24 - Non-Standard Condition/Reason

No works shall take place until groundwater level monitoring have been contacted, over an appropriate monitoring period to include the winter/rainy season. The results of the monitoring shall inform the pumping regime in the trench drain (which collects both surface water run-on and groundwater ingress) to be constructed upslope of the houses. The details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure sustainable drainage proposals comply with the required standards as set out in the following documents.

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

25 - Non-Standard Condition/Reason

No works shall take place until a construction phase flood mitigation plan has been submitted to and approved by the Local Planning Authority. This should detail how off-site flooding will be mitigated during the construction.

Reason: To ensure sustainable drainage proposals comply with the required standards as set out in the following documents.

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

26 - Non-Standard Condition/Reason

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

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

27 - Non-Standard Condition/Reason

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

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

28 - Non-Standard Condition/Reason

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

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

29 - Non-Standard Condition/Reason

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

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

30 - Non-Standard Condition/Reason

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

31 - Non-Standard Condition/Reason

Prior to occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including provision of a Travel Plan co-ordinator within the residential sales office to give advice to the new residents of the development. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM10

32 - Retention and Protection of Water Features

No works shall take place until all aquatic features and associated vegetation on site have been retained and appropriately protected from physical disturbance or pollution in accordance with details that shall have previously been submitted to and approved, in writing, by the Local Planning Authority. Any agreed scheme shall thereafter be retained in accordance with the approved details during all works on site.

Reason: To safeguard the continuity of amenity and nature conservation value afforded by water and to avoid damage to nearby trees by changes to the water table.

33 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans 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.

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.

(4) **INF01 Highway Works** - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

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

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

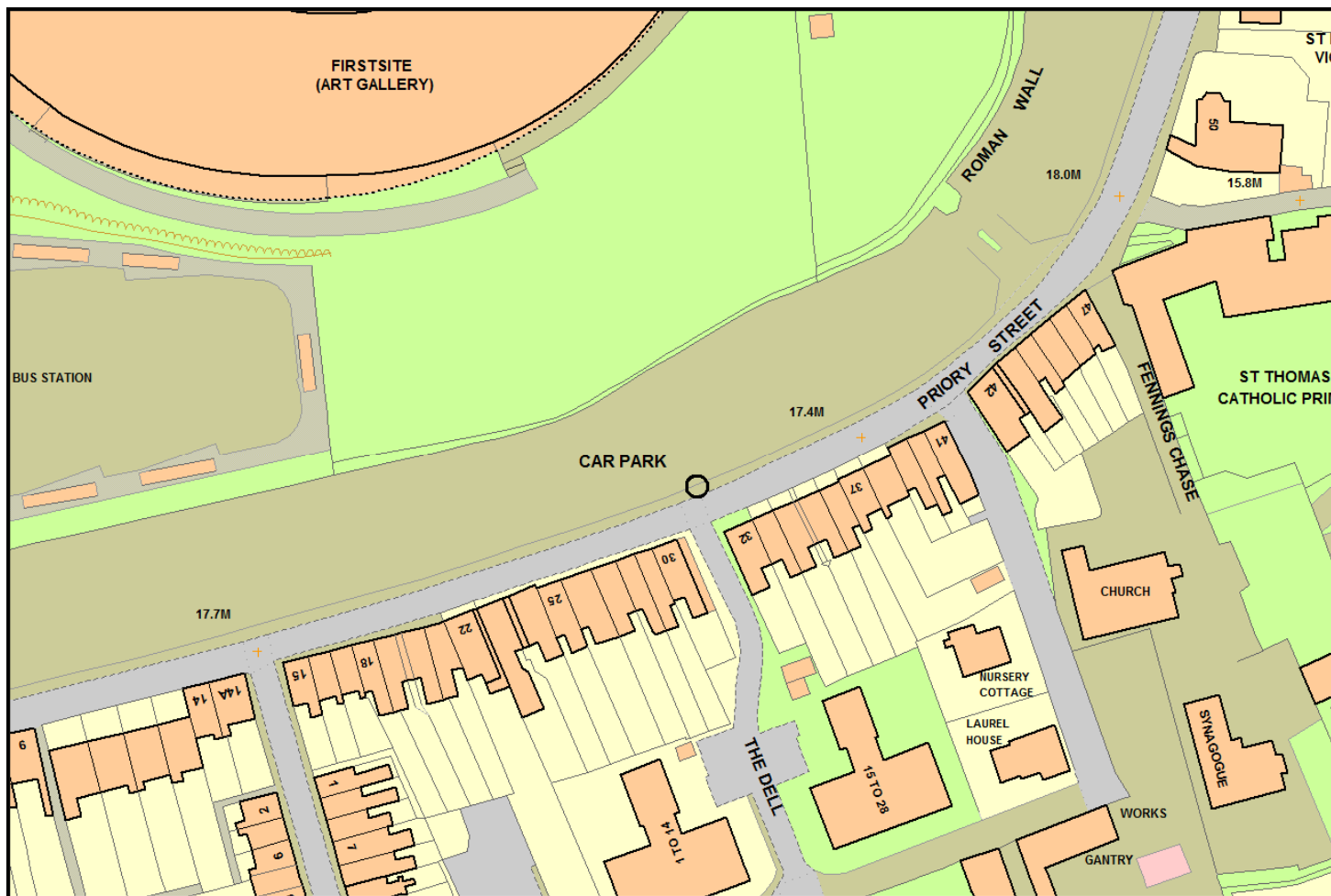
(7) **PLEASE NOTE:** The mill building to which this permission relates has been listed by the Secretary of State for Culture, Media and Sport as being of Special Architectural or Historic Interest. A separate Listed Building Consent is required in respect of the development hereby permitted and no development/works should take place until that consent has been obtained. The carrying out of work without listed building consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and/or contractors liable for enforcement action and/or prosecution.

(8) PLEASE NOTE: Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office. Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

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

20.0 Positivity Statement

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



Application No: 151012

Location: CBC Car Park West, Priory Street, Colchester, CO1 2QA

Scale (approx): 1:1250

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7.2 Case Officer: Daniel Cameron

Due Date: 17/07/2015

OTHER

Site: CBC Car Park West, Priory Street, Colchester, CO1 2QA

Application No: 151012

Date Received: 18 May 2015

Agent: Mr Philip Wise

Applicant: Mr Henry Spyvee

Development: Interpretation panel containing General Historical information and logos including friends of Colchester Roman Wall.

Ward: Castle

Summary of Application: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the agent is Colchester & Ipswich Museum Service.

2.0 Synopsis

2.1 The key issues explored below are the impact of the proposed advertisement on the character and setting of the conservation area as well as the nearby Roman walls.

3.0 Site Description and Context

3.1 Priory Street is located within Colchester town centre, roughly equidistant between Colchester Town Station to the south and the Firstsite Art Gallery. It connects the mid-point of Queen Street to, roughly, the mid-point of East Hill.

3.2 The area is largely residential in character with most properties exhibiting the traditional built form of Victorian terraced properties along the south side of the street. Priory Street car park and a small, grassed boundary strip and the Roman walls lie to the north.

4.0 Description of the Proposal

4.1 The application proposes the erection of an interpretation panel containing general historic information on the medieval repairs to the Roman walls and the breaching of the walls of during the siege of Colchester in the English Civil War. The boards will also show the logos of Colchester Borough Council, Colchester & Ipswich Museums and the Heritage Lottery Fund mounted on a single post.

5.0 Land Use Allocation

- 5.1 The wider land use of the area is designated for car parking and is also zoned for regeneration.

6.0 Relevant Planning History

- 6.1 There is no relevant planning history for the proposed site.

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:

UR1 - Regeneration Areas
UR2 - Built Design and Character
ENV1 - Environment

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

DP1 Design and Amenity
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 No consultation responses were required for the application.

9.0 Parish Council Response

- 9.1 N/A. The application falls within an unparished town centre ward.

10.0 Representations

- 10.1 The application has not received any representations.

11.0 Parking Provision

- 11.1 N/A.

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

15.1 *Design & Layout.*

The design and layout of the interpretation panel is similar to those which have been erected in other strategic heritage locations throughout the town centre. The design is quite simple, but pleasant, with the interpretation panel sitting at an angle of 45 degree atop a single mild steel post about 1m above ground level. The layout of the historic information on the panel is straightforward and should provide a useful overview on the history of the area.

15.2 *Amenity*

In assessing an advertisement's impact on "amenity", regard has to be had to the effect on the appearance on visual amenity in the immediate neighbourhood where it is to be displayed. It is therefore necessary to consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality. It is considered that the impact of the panel on the surrounding area will be minimal. The size of the signage, its location, and the fact that it is unilluminated will not cause undue distraction or harm the amenity of the area. There is a lack of other signage in proximity to the proposed interpretation panel so there is no issue of clutter affecting the streetscene.

15.3 *Public Safety*

In assessing an advertisement's impact on "public safety", regard has to be to the effect upon the safe use and operation of any form of traffic or transport. In assessing the public safety implications of an advertisement display, one can assume that the primary purpose of an advertisement is to attract people's attention; therefore it should not automatically be presumed that an advertisement will distract the attention of passers-by. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. The proposed sign, by virtue of its location, is not considered to have an adverse impact on public safety.

15.4 *Policy*

In terms of local policy this application is compliant with Core Strategy Policies UR2 – Built Design and Character and ENV1 – Environment, in that the proposal seeks to enhance Colchester’s unique historic character and will create a positive impact on the area. Policy UR1 looks to support regeneration in key areas throughout Colchester. This application is considered to make a small, but positive contribution to this aim. The proposal also accords with Development Policies DP1 – Design and Amenity, DP10 – Tourism, Leisure and Culture and DP14 – Historic Environment Assets by virtue that it represents a high quality design, does not cause harm to the amenity of local residents, and enhances the local heritage asset without creating harm to it, respectively. Para 67 of the NPPF states “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.” Para 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” This application is considered to accord with guidance within the NPPF.

16.0 **Conclusion**

- 16.1 The proposal accords with the relevant policies of the Development Plan and having regard to all material planning considerations, it is considered that the proposal will not cause harm to interests of amenity and public safety.

17.0 **Recommendation**

- 17.1 APPROVE subject to the following conditions.

18.0 **Conditions**

1 - Standard Advert Condition

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings. Reason: To ensure that materials are of an acceptable quality appropriate to the area

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.

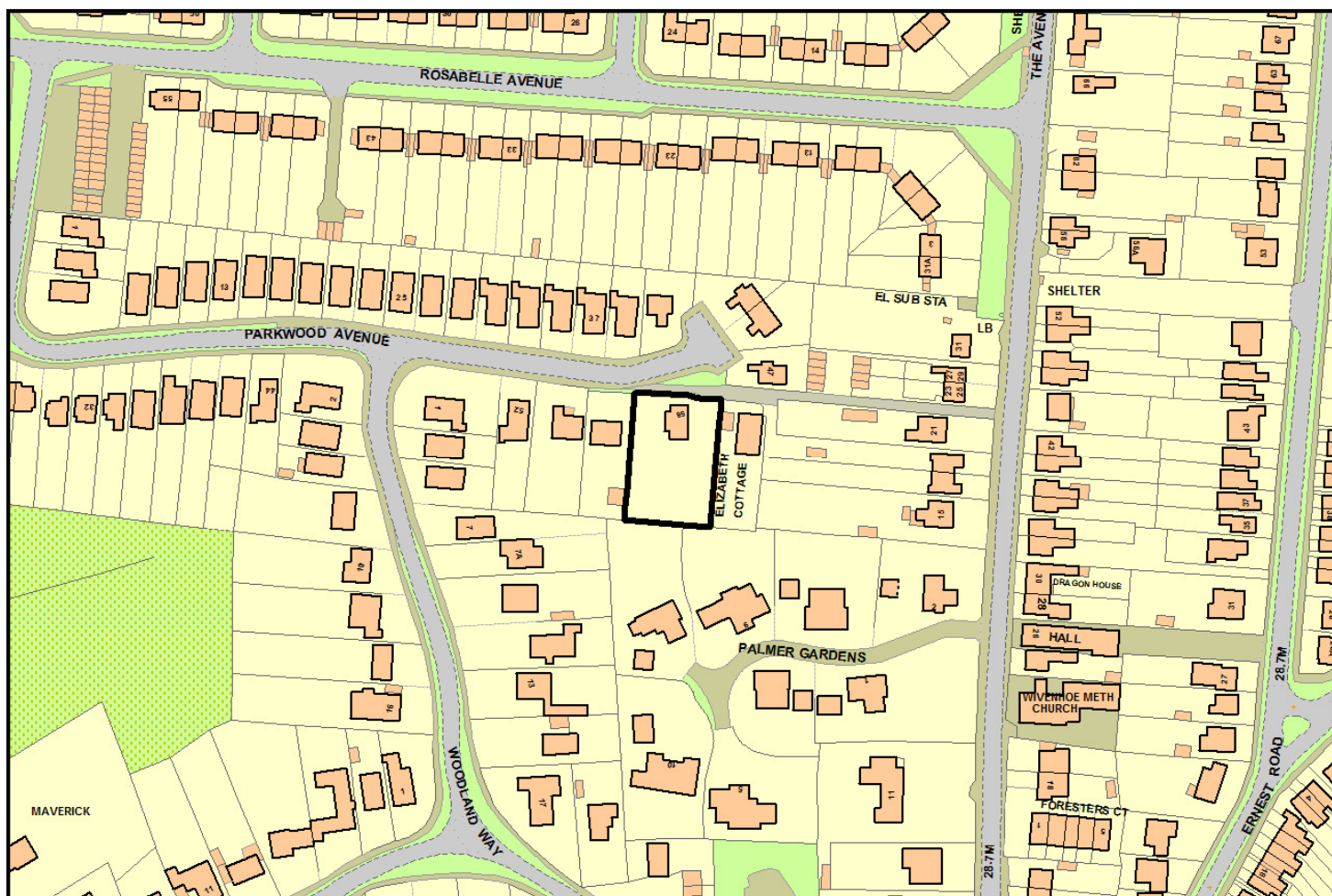
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(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 WA1 – Application Approved Without Amendment

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



Application No: 150754

Location: 58 Parkwood Avenue, Wivenhoe, Colchester, CO7 9AW

Scale (approx): 1:1250

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7.3 Case Officer: Eleanor Moss

MINOR

Site: 58 Parkwood Avenue, Wivenhoe, Colchester, CO7 9AW

Application No: 150754

Date Received: 17 April 2015

Agent: Mr Mark Perkins

Applicant: Mr C Revell

Development: Demolition of existing house and construction of a new 5 bedroom house with attached garage.

Ward: Wivenhoe Quay

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 Councilor Scott requested this application to be determined at Committee.

2.0 Synopsis

- 2.1 The key issues explored below are the principle of the development, the design and layout of the scheme, the impact it will have on protected trees and the impact the scheme will have on neighbouring amenity.
- 2.2 It is concluded that the scheme is acceptable in terms of design and amenity and approval is recommended.

3.0 Site Description and Context

- 3.1 The application site comprises the plot of a single-storey bungalow. It is situated to the south of Parkwood Avenue, with the highway fronting the existing bungalow. It has a large plot, larger than many in the vicinity and could accommodate two plots on. The existing bungalow takes its access from Parkwood Avenue. To the west of the site is an detached two storey dwelling (No. 56 Parkwood Avenue) which was erected within the 1990s. To the east of the application site is a detached single storey bungalow (Elizabeth Cottage).

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for the demolition of the exiting dwelling of 58 Parkwood Avenue and the erection of a replacement two storey detached dwelling.

5.0 Land Use Allocation

- 5.1 The site is allocated for residential purposes in the local plan as it sits within the development boundary.

6.0 Relevant Planning History

- 6.1 There is no planning history particularly relevant to this site.

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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Extending Your House?
The Essex Design Guide

8.0 Consultations

- 8.1 **ECC Highways** - This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to commencement/occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

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

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

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

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

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

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

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

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

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

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

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

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

8.2 Environmental Protection

Should planning permission be granted Environmental Protection wish to make the following comments:-

NOTE: Demolition and Construction

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 Protection prior to the commencement of the works.

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 Insignificant information supplied. There is no road access to the site and nothing showing the relation of the proposal to neighbouring properties. As it stands the proposal is overbearing to neighbouring properties.

10.0 Representations

- 10.1 There have been 7 letters of objection submitted in relation to this application. The following objections have been raised:

- Overbearing
- Loss of privacy
- Flood risk
- Increase in traffic congestion
- Overshadowing
- Concerns regarding asbestos
- Out of keeping
- Right to access

- 10.2 It is worth noting that an objection has been raised regarding access to Elizabeth Cottage who have legal rights to access to their property at all times, private rights to access is not a material planning consideration and is a civil matter between the two parties.

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

11.0 Parking Provision

- 11.1 This scheme provides an off street parking spaces and a garage of a size that exceeds current car parking standards.

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

Design and Layout

- 15.1 Next door (east), Elizabeth Cottage is a modest, detached, single storey chalet-bungalow. The immediate area north of the site is primarily a ribbon of single-storey bungalows. To the west of the site are two storey detached dwellings, in particular the immediate neighbouring property of 56 Parkwood Avenue is a detached property constructed within the 1990s. Again, within sight of the plot are other single storey bungalows and two-storey houses. In conclusion, although there is a prevalence of bungalows, the area is mixed in character and a variety of dwelling types could be introduced without necessarily harming the character. A two storey building within this area, as proposed, would be in keeping with the area and would not have a negative impact upon the street scene when viewed from the public realm.
- 15.2 The application site is within the defined settlement limits where there is a presumption in favour of the development. The ribbon development and suburban architecture gives the surroundings an edge of settlement character rather suburban design. The proposed designs have more of an executive character than the modern suburban style bungalows around the site. This is not harmful in itself as older houses frequently appear within rows of ribbon development that has developed alongside them. The designs are not unattractive and the form, proportions and detailing are consistent with each other.
- 15.3 The plot size will be larger than the local norm and will benefit from amenity space well in excess of adopted standards and surrounding area. From a public perspective, the development will not appear uncharacteristically out of proportion as generous frontage will be incorporated.
- 15.4 There is a clear building line to follow along Parkwood Avenue, although the existing dwellings have frontages of various depths within the area. That said, the original scheme submitted a proposal which protruded a little further forward than was visually comfortable. As such, a revised scheme has been submitted which follows the building line and sits more readily within the frontage. In addition, the frontage presents the opportunity for new planting that would soften and ultimately partially screen the site.

Impact on Surrounding Area:

- 15.5 Parkwood Avenue is a residential cul-de-sac characterised by two-storey residential properties to the west which are varied in terms of style and design and a strong ribbon of single storey bungalows to the north. To the rear of the development is an executive development of Palmer Gardens which the proposal seeks to reflect. The application site itself is large and can accommodate the proposed development comfortably. It is considered the proposed development will not have any adverse impact on landscape character, the setting of the site and the wider area.

Impact on Neighbouring Properties

- 15.6 Guidance in Supplementary Planning document 'The Essex Design Guide' is that a 45 degree angle from the mid-point of windows is required in order to preserve outlook. 'Extending your house' requires a combined plan and elevation 45 degree zone of protection to be preserved. This proposal complies with both those 'tests'.
- 15.7 The proposal has been quite carefully designed so as to minimise harmful impacts on neighbour's amenities. There are no ground floor or first floor windows on the side elevation (west) and as such there would be no loss of light, outlook or privacy to 56 Parkwood Avenue. The east-facing side elevation contains one small window which faces toward Elizabeth Cottage, however this window is to serve a bathroom and as such would be obscure-glazed to protect privacy for any future occupiers. In summary, it is not considered that there would be any harm upon outlook or loss of light to the neighbouring properties and any impact upon residential amenity would be negligible.

Trees and hedges

- 15.8 Whilst there are various small garden trees and hedges to the front of the site, none are protected and all could be removed at any time without the Council's permission. In any case, none are such that they could not be easily replaced with others of similar or better quality. The design gives the potential for significant new planting that could contribute very positively to the appearance of the site and that is a material consideration in its favour. However, to the rear of the site is a line of protected trees which could not be removed at any time. This line of trees also serves to screen the application site from Palmer Gardens and would be subject to conditions to protect critical aspects and to ensure that these protected trees would not be harmed during the construction phase.

Highways and parking

- 15.9 A number of concerns have been raised regarding access and parking to the site creating an increased amount of traffic congestion, in turn adding to the existing on road parking in the area. While this is noted, this is an existing problem within the area and a replacement dwelling on site would not create any undue increase in traffic congestion or off-road parking. The application exceeds car parking standards and as such may alleviate the current pressure on road parking.

16.0 Conclusion

- 16.1 The design of the proposed replacement dwelling is appropriate and minimises its impacts upon the neighbouring properties. No test for overbearing, overshadowing or overlooking as laid out within the 'Extending Your House?' SPD has been infringed and no unacceptable impacts have been identified. The proposed replacement dwelling would not appear out of character in the street scene or as an overly prominent addition. Your Officer therefore recommends approval.

17.0 Recommendation

- 17.1. APPROVE subject to the below 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 precise accordance with the details shown on the submitted drawing numbers 1043/02 B, 1043/05 A and 1043/TOPO.

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

3 - Simple Landscaping Scheme Part 1 of 2

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme 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.

4 - Simple Landscaping Scheme Part 2 of 2

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: To soften the setting of the building and to minimise the potential for a stark and unattractive frontage.

5 - Non-Standard Condition/Reason

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

6 - Turning Areas

Prior to the first occupation of the development, a vehicular turning facility of a design previously agreed, in writing, by the Local Planning Authority shall have been constructed, surfaced and thereafter 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.

7 -No Unbound Surface Materials

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.

8 - Non-Standard Condition/Reason

No development shall take place until such times as, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction, including window, fascia, soffit and porch details, have been submitted to and approved, in writing, by the Local Planning Authority. Such materials and finishes 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 a high quality finish to the development appropriate to its traditional design.

9 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans 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.

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.

(4) **INFO1 – Highway Works** - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(5) **INFO2 – Cost of Works** - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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.



Application No: 151009

Location: 6 Barn Fields, Stanway, Colchester, CO3 0WL

Scale (approx): 1:1250

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7.4 Case Officer: Richard Collins Due Date: 20/07/2015 HOUSEHOLDER

Site: **6 Barn Fields, Stanway, Colchester, CO3 0WL**

Application No: **151009**

Date Received: 20 May 2015

Agent: Mr Adrian Ruffell

Applicant: Mr J Hall

Development: Conversion of loft space and creation of dormer window.

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee at the request of Councillor Jessica Scott-Boutell and for the following reason:

- Loss of privacy and over-looking

2.0 Synopsis

2.1 The key issues explored below are that of design and amenity. The proposal is considered to have an acceptable design that would not result in any amenity issues – such as overlooking or overshadowing. Approval is recommended.

3.0 Site Description and Context

3.1 The application property is a detached two-storey 3-bed dwelling. The dwelling forms one of a group of 15 detached dwellings granted planning permission under ref. COL/98/0583. Barn Fields is a cul-de-sac with vehicular access onto London Road.

4.0 Description of the Proposal

4.1 The proposal is to convert the loft space into a bedroom, with en-suite and walk-in wardrobe. The en-suite is accessed via the wardrobe. The proposal includes a dormer window extension on the side east facing roof slope to accommodate the stairs from the first floor to the loft. The dormer will be finished in matching roof tiles and white/cream coloured render to match existing. The dormer will be provided with a non-opening and obscure glazed window. Two roof-lights are also proposed in the side east facing roof slope to provide natural light to the bedroom and en-suite.

4.2 Two roof-lights are proposed on the opposite west facing roof slope to provide natural light to the bedroom.

- 4.3 All opening parts of the roof-lights are to be located at least 1.7 metres above the finished floor level.
- 4.4 A front gable end bedroom window is also proposed to provide natural light into the bedroom.
- 4.5 It is understood that the scheme would comply with building regulations.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 The following planning history is relevant to the current proposal:

COL/98/0583 - Erection of 15 detached dwellings garaging and access into London Road - Approved 1998

7.0 Principal Policies

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

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

UR2 - Built Design and Character

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

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Extending Your House?

The Essex Design Guide

8.0 Consultations

- 8.1 None

9.0 Parish Council Response

9.1 The Parish Council have stated that they have no objections to the proposal.

10.0 Representations

10.1 No.7 Barn Fields – 4 representations of objection have been received (following submission of amended drawings). Comments are summarised below:

- Existing dwellings designed to avoid overlooking
- Overlooking concerns from roof-lights
- Concern over displacement of vehicles/work vehicles and restricted access to all other properties
- Increase in height of roof-lights (on roof slope) does little to protect privacy
- Repositioned rooflight sits almost perfectly opposite child's bedroom window
- Rooflight in wardrobe still causes overlooking

10.2 2 Barn Fields – 2 representations of objection have been received (following submission of amended drawings). Comments are summarised below:

- Dormer window will result in overlooking of garden
- Existing dwellings designed to avoid overlooking
- Overdevelopment of the property
- Cause major access problems to properties whilst development underway
- Velux windows are a reasonable design addition – afford light but privacy
- Cause disruption to residents from delivery lorries, builders and scaffolding
- Barn Fields already blocked by cars parked from commercial units around the corner
- Concern over access for emergency vehicles if required
- Concern regarding overlooking from velux windows
- Obscure glass good addition to all fixed windows
- Same concern as above regarding existing privacy
- Concern over setting a precedent for other dwellings

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

11.0 Parking Provision

11.1 N/A

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

- 15.1 Policy DP1 of the adopted Colchester Borough Development Policies (adopted 2010, amended 2014), states all development must be designed to a high standard and avoid unacceptable impacts on amenity. Furthermore, the policy states that development proposals must demonstrate that they (amongst other things):
- Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density and detailed design features;
 - Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.
- 15.2 The application site is located within the defined settlement boundary of Stanway. Policy DP13 of the adopted Colchester Borough Development Policies (adopted 2010, amended 2014), states within the Borough’s settlement boundaries, residential alterations, extensions and replacement buildings will be supported where they meet other policy requirements, including the adopted SPD ‘Extending Your House?’.
- 15.3 The principle of development is therefore acceptable, subject to the detailed criteria above.
- 15.4 It should be noted that the proposed development, being a dormer and roof-lights, would be classed as permitted development. However, a condition was imposed on the original planning permission to remove permitted development rights for additions to the dwellings, such as dormer windows and roof-lights. The reason for the condition was to safeguard the visual amenities of the area, to protect the amenity of adjoining residential occupiers, and to prevent overdevelopment of the site. The aforementioned policies are in place to assess the proposed development against in any event.

Design and Layout

- 15.5 The proposed dormer measures approx. 3.2 metres in width across a roof slope measuring approx. 8.3 metres. The roof slope of the dormer is set off the main ridge of the dwelling by approx. 0.6 metres, and off the eaves by approx. 0.3 metres. The materials proposed are to match the existing materials. It is considered the proposed dormer is well proportioned and reads as a subservient addition to the existing dwelling.

- 15.6 Furthermore, the existing dwelling is located off the main public maintainable highway of Barn Fields, and located in a cul-de-sac cluster of dwellings at the end of Barn Fields. Given the orientation of these dwellings, the proposed dormer would not be easily identifiable from within the public realm, and therefore would not have any adverse impact on wider character of the area, which in the main is one of 2-storey detached dwellings with pitched roof dormers (where evident).

Impact on Neighbouring Properties

- 15.7 The dormer has been designed to be obscure glazed and non-opening. A condition can be imposed to ensure this is retained as such. As a result, the dormer will not have any adverse impact on the amenities of the neighbouring property by way of overlooking.
- 15.8 The 4 no. roof-lights on both sides of the roof slope have been designed to be set a minimum of 1.7 metres above the finished floor level. The General Permitted Development Order (2015) allows for roof-lights (opening and non-obscured) in side facing roof slopes providing they are sited a minimum of 1.7 metres above the finished floor level, to ensure they do not have an adverse impact on residential amenity. A condition can also be imposed to ensure the roof-lights are set within the roof slope at this height. By definition it follows that given the proposed roof-lights are not below 1.7 metres in height from finished floor level, the roof-lights would not have an adverse impact on the residential amenities of neighbouring properties by way of overlooking and loss of privacy.
- 15.9 Concerns have been raised with regards to a rear elevation loft window, and the potential for overlooking. This has been omitted from the amended drawings received.

Other Matters

- 15.10 Concerns have been raised with regards to construction traffic and displacement of vehicles during the build. Given the small scale nature of the development proposal, and the opportunity of on-street parking in Barn Fields, the refusal of planning permission on this issue is not considered to be warranted.

16.0 Conclusion

- 16.1 The design is considered to be acceptable and there would be no detrimental amenity impacts. The proposal is therefore considered acceptable and would comply with Policies DP1, DP13 and UR2.

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 17015-P03C and 17015-P04C.

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

3 - Materials to Match

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

4 - *Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the dormer window in side east facing roof slope shown on drawing no. 17015-P03C shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

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

5 - Non-Standard Condition/Reason

The hereby approved rooflights shown on drawing nos. 17015-P03C and 17015-P04C shall be inserted with the bottom rail of the rooflight no lower than 1.7 metres above finished floor level.

Reason: To protect the privacy of adjacent dwellings.

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.

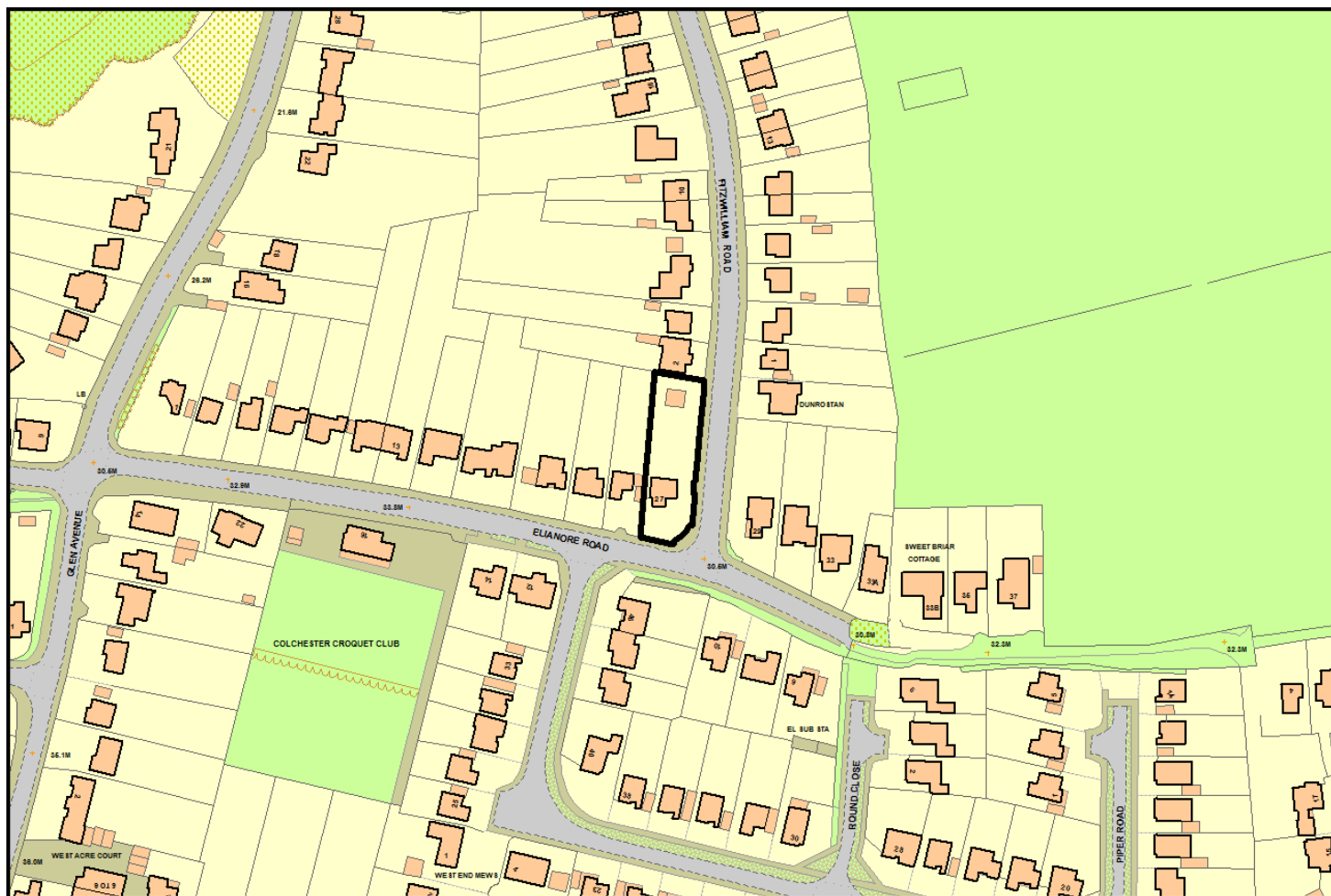
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

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



Application No: 151097

Location: 27 Elanore Road, Colchester, CO3 3RX

Scale (approx): 1:1250

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Site: **27 Eliaore Road, Colchester, CO3 3RX**

Application No: **151097**

Date Received: 1 June 2015

Applicant: Mr & Mrs North

Development: Two storey rear extension with basement for private use.

Ward: Lexden

Summary of Application: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it was called in by Councillor Roger Buston for the following reasons:

- a) Loss of light and overshadowing to the neighbours Kitchen/Dining room and Patio
- b) The reduction in privacy due to the extent of increased overlooking of their property
- c) The potential impact the groundworks required to support the works contained within the Application will have on the neighbours land and property due to the close proximity to the border.

2.0 Synopsis

2.1 The key issues explored below are the previous consents the site has enjoyed and the impact the scheme will have on neighboring amenity.

2.2 It is concludes that the scheme is acceptable and approval is recommended.

3.0 Site Description and Context

3.1 The dwelling in question is an attractive detached two storey house on the corner of Eliaore Road and Fitzwalter Road. Due to the fall in land the dwelling has three storeys on the eastern flank but appears as a two storey building on the north elevation.

4.0 Description of the Proposal

4.1 A two storey rear extension and terrace is proposed. The extension would be 3.6 metres deep and 8.4 metres wide. The eaves would sit at the same level as the existing. A basement level store is also proposed.

5.0 Land Use Allocation

- 5.1 Predominantly residential. The site is located within the defined settlement limits where development such as this is acceptable in policy terms.

6.0 Relevant Planning History

- 6.1 In 2004 a similar scheme was approved (application number: F/COL/04/1115). In 2010 a scheme that is the same as the one currently before Members was approved (application number: 091405). This scheme was not implemented. Therefore the scheme is a resubmission, using the same plans, as 091405.

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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

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

8.0 Consultations

- 8.1 Archaeology – No objection. Condition requested.

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

9.0 Parish Council Response

- 9.1 n/a

10.0 Representations

10.1 One representation was received from the neighbours at 25 Elianore Road. In summary, this objected to the scheme on the following basis:

- Our site has changed materially since 2004.
- The scheme will cause a loss of light/overshadowing to our kitchen, dining room and patio.
- There will be a reduction in privacy due to increased overlooking.
- Concerns regarding the impact of the groundworks required to support the works.

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

11.0 Parking Provision

11.1 The scheme will have no impact on the parking provision on the site.

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

Site History

15.1 As set out in the relevant section above, this scheme is the same as the scheme approved in 2010. This is an important material consideration. There have been no material changes on site since the approval of application 091405, nor have there been any fundamental changes in planning policy context. Therefore a refusal of the same scheme again would be unreasonable.

15.2 The neighbours note that there have been material changes on site since the application approved in 2004. That is accepted however the 2010 consent is far more relevant as it is far more recent.

Design and Layout

- 15.3 The design is entirely in keeping with the character of the dwelling. It has picked up some of the design cues of the original. It is therefore acceptable in its setting.

Scale, Height and Massing

- 15.4 The proposed extension has been designed to read as a continuation of the existing building. It is not subservient as is usually expected but in this instance the overall composition created is acceptable. This design was accepted in 2010 and there has been no policy change that would suggest it is unacceptable now. Therefore the scheme is acceptable in terms of its scale, height and massing.

Impact on the Surrounding Area

- 15.5 As the design and scale of the proposal is considered to be acceptable, it is held that the scheme will not have a harmful impact on the surrounding area.

Impacts on Neighbouring Properties

- 15.6 As a two storey extension this scheme will have an impact on neighbours, particularly at 25 Elianore Road. In terms of loss of light to the kitchen as noted by the neighbour, the scheme passes the 45 degree combined plan and elevation tests as set out by the Essex Design Guide and 'Extending your House?' SPD in relation to the nearest opening (that being the kitchen French windows in the extended element of number 25). It is therefore considered to be acceptable on that basis.
- 15.7 In terms of 'overbearing', the 'Extending your House?' SPD has two tests on page 8 relating to two storey proposals. This scheme does pass one of the overbearing tests on page 8 of the SPD as it does not project more than three metres plus one metre of side isolation from the boundary.
- 15.8 This scheme does not pass the imaginary 45 degree line drawn from the corner of the neighbouring building however, in this case the corner of number 25's side extension. This was also the case with the previously approved scheme and there has been no material change in relevant planning policy since the last approval. Due to the fall in land any oppressiveness felt from number 25's sitting out area would not be as pronounced as it would be if the dwelling sat at the same level as the neighbour. On that basis it is not considered that the two storey projection is materially harmful and in light of the previous consent a refusal due to oppressiveness is not warranted.
- 15.9 The neighbours also have concerns about overlooking. The proposed windows at first floor level are larger than that existing first floor windows however as they are pulled further down the garden they will only give views of the end of the garden and not the sitting out area near to the rear elevation of number 25. The scheme will not cause materially harmful overlooking to other neighbours.

- 15.10 The proposed ground floor side facing window serving as a secondary window to the kitchen will face towards the neighbour at 25's sitting out area, however as a ground floor window it is not considered to cause demonstrably harmful overlooking, in particular as the neighbours at 25 are in an elevated position compared to the dwelling on the application site.
- 15.11 The scheme also proposed a terrace. Due to the fall in levels this will not cause materially harmful overlooking to neighbouring dwellings. Number 25's patio is significantly higher than the existing terrace at 27 and actually affords good views directly down to the existing terrace. Any overlooking 'back and up' to this patio area from the proposed terrace is not considered to be materially harmful.

Other Matters

- 15.12 The neighbours noted concerns about the impact possible groundworks could have. This is not a planning matter but will be dealt with at building regulations stage.

16.0 Conclusion

- 16.1 This scheme is the same as the scheme that was approved in 2010. There have been no material changes on site, nor have there been any material changes in planning policy since then. The scheme is not materially harmful to neighbouring amenity. The scheme is therefore acceptable and therefore an approval is warranted.

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 69-2008-03P, 69-2008-04P, 69-2008-05P 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 - Materials to Match

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

4 - Non-Standard Condition/Reason

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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

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.