

Planning Committee Meeting

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

Thursday, 03 December 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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www.colchester.gov.uk

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Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable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

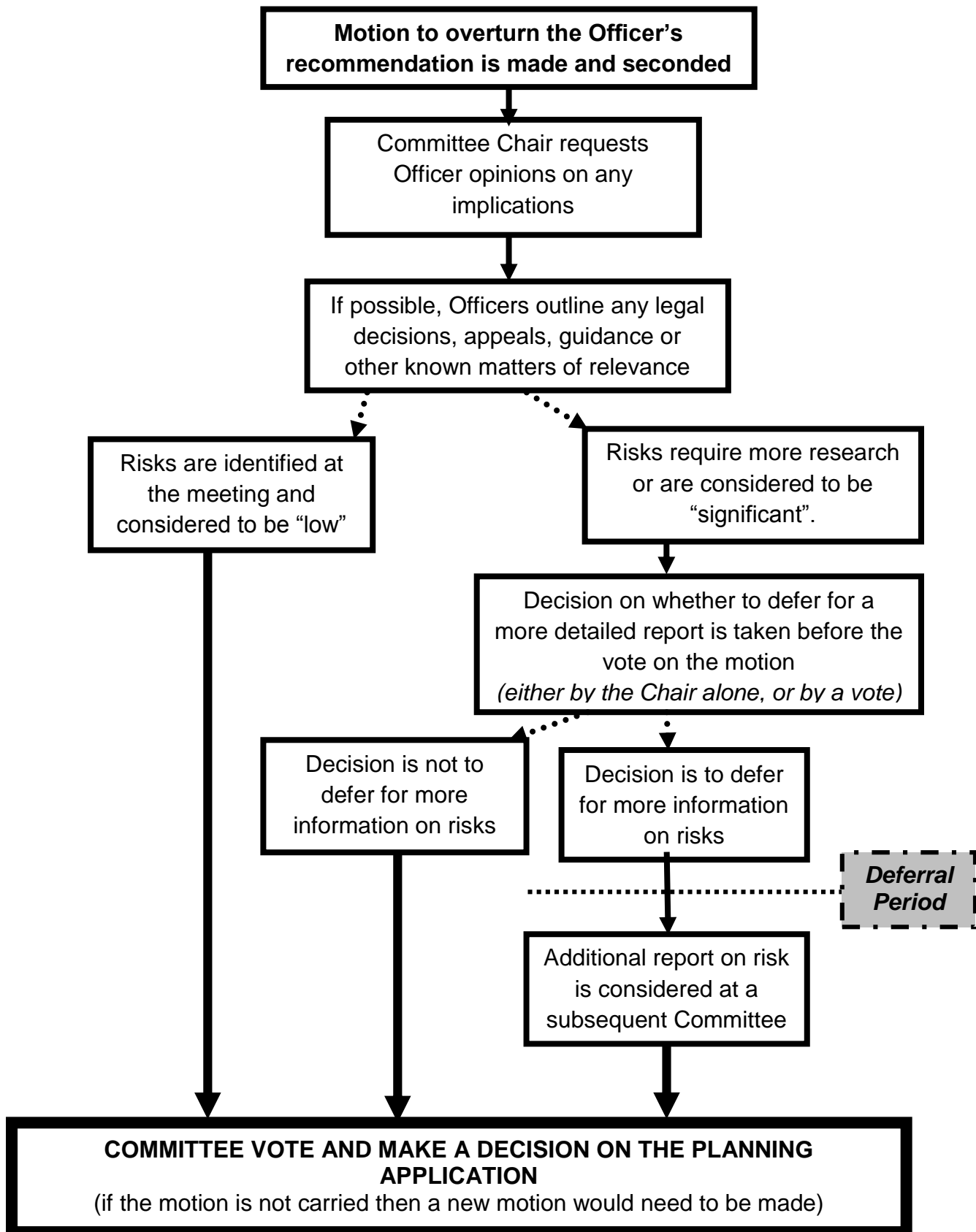
Interpretation of Class C4

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, 03 December 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.

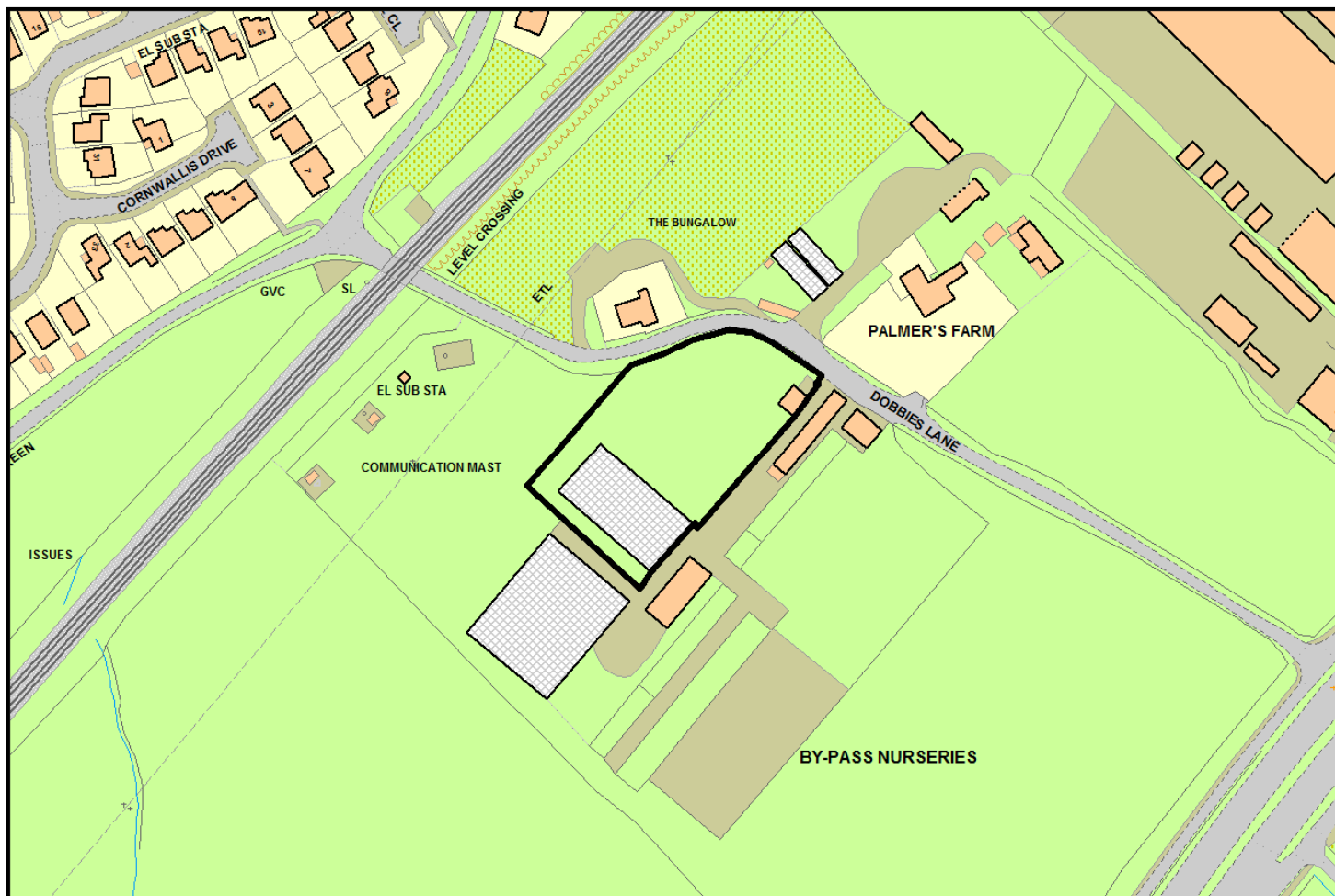
7.1	151898 Bypass Nurseries, Dobbies Lane, Marks Tey	17 - 28
	Change of use of polytunnel and area of hardstanding to B8 storage	
7.2	152311 6 St Monance Way, Colchester	29 - 38
	Two storey front extension	
7.3	152074 1A Beverley Road, Colchester	39 - 44
	Window enlargement to rear elevation	
7.4	152376 50 Chapel Road Stanway	45 - 50
	Rear extension and alterations to the roof	
7.5	152249 246 Straight Road, Colchester	51 - 56
	First floor extension	
8	Affordable Housing Delivery	57 - 62
	See report by the Head of Commercial Services	

9 **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: 151898

Location: Bypass Nurseries, Dobbies Lane, Marks Tey, Colchester, CO6 1EP

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **3rd December 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: James Ryan Due Date: 01/12/2015

MAJOR

Site: Bypass Nurseries, Dobbies Lane, Marks Tey, Colchester, CO6 1EP

Application No: 151898

Date Received: 1 September 2015

Agent: Mr Ben Willis, Wingfield Planning

Applicant: Mr J Fenwick

Development: Change of use of polytunnel and area of hardstanding to B8 storage

Ward: Marks Tey

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 that has received material planning objections.

2.0 Synopsis

2.1 The key issues explored below are the impact the scheme will have on the Highway network, on neighbouring amenity and on the countryside.

2.2 It is concluded that these are acceptable and permission is recommended.

3.0 Site Description and Context

- 3.1 The application site comprises part of the wider grounds of ByPass Nurseries Ltd. This takes the form of a substantial collection of buildings all of permanent structure.
- 3.2 The precise application site comprises one of the polytunnels and an area of hardstanding directly adjacent to it. The surrounding land uses are residential to the north, commercial employment to the east, and open countryside to the south and west.
- 3.3 Vehicular access is provided onto Old London Road, which then links to the A120 and the A12.

4.0 Description of the Proposal

- 4.1 As set out in the planning statement, permission is sought to change the use of one of the polytunnels and an area of hardstanding to B8 storage. With regard to the polytunnel this would involve the replacement of the encasing with metal sheeting. The doors to the polytunnel would also be altered to a more secure roller shutter style.
- 4.2 Along with internal storage it is proposed to create an area of external storage directly adjacent. This would be sited upon an existing area of hardstanding.

5.0 Land Use Allocation

- 5.1 The site is previously developed but is located in the defined countryside in planning policy terms.

6.0 Relevant Planning History

- 6.1 The application site and the surrounding land within which it is set have a long historic use as a garden nursery under the ownership of ByPass Nurseries Ltd. Much of this history is of little relevance to this application; however the following historic applications are of some relevance:

Application 87/0820 – Planning permission approved for the change of use of a redundant nursery building to workshop for servicing and repair of cars and light commercial vehicles.

Application 90/1754 – Outline permission refused for the erection of a motorist lodge, restaurant, service station and shop and highway works to form improved access and egress to A12.

7.0 Principal Policies

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

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- CE3 - Employment Zones
- UR2 - Built Design and Character
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ENV2 - Rural Communities

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

- DP1 Design and Amenity
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP8 Agricultural Development and Diversification
- DP9 Employment Uses in the Countryside
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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

N/A

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

- Vehicle Parking Standards
- Sustainable Construction
- External Materials in New Developments

8.0 Consultations

8.1 Environmental Protection – No objection.

8.2 Landscaping Officer – No objection subject to additional landscaping secured via condition.

8.3 Planning Policy –

The proposal lies outside the settlement boundary of Marks Tey and adjoins an Employment Zone. The site's location between the A12 and A120 is not an advantage given the difficulties of accessing the main roads from side roads, but the highway authorities do not appear to have raised any concerns on this point.

Policy DP5 provides for the safeguarding of sites and premises currently used or allocated for employment purposes. Although the use of the site as a commercial nursery does not fall within the B use class, the Core Strategy includes *sui generis* uses in its list of Employment Zone uses. It is accordingly accepted that the site served an employment function in the past and that retention of jobs on the site would be desirable. The re-use of buildings on the site is also a positive feature of the proposal.

It is however, a concern that the proposal covers only a part of the former employment site and that no information is provided on plans for the longer term use of the site as a whole. The proposal is thus considered to be acceptable as a pragmatic short-term re-use of existing buildings which will retain jobs for current employees and does not pre-empt a more comprehensive redevelopment scheme in future.

8.4 Network Rail – No comment to date.

8.5 Highways England – Offer no objection.

8.6 Highway Authority – Having regard to the fact that all access to this site is via the trunk road network (A12, and A120), this Authority does not wish to submit a formal recommendation and defers to the Highway Agency (Highways England) as the maintenance authority.

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

9.0 Parish Council Response

9.1 The Parish Council have stated that "at a meeting of the Parish Council on 21 September 2015 it was resolved that the Council would object to the application in view concerns relating to increased traffic movements".

10.0 Representations

10.1 One observation and one objection was received. They stated:

- I would like to see the number of vehicle movements restricted, with none at night.

- I object to this application due to the increased traffic volumes on a narrow and already dangerous road that is unsuitable for anything larger than a long wheelbase Transit type van. Vehicular traffic from IWJS is already causing access and near-miss accident issues and any increased traffic volumes will merely serve to make a dangerous situation worse.

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 site has ample space for on-site parking and therefore this is not considered to constitute a restriction on this development.

12.0 Open Space Provisions

- 12.1 This scheme does not generate any open space requirements.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

- No obligations.

15.0 Report

The Principle of the Development

- 15.1 In planning policy terms this scheme is located in the defined countryside. Commercial development such as B8 storage uses are usually directed towards the defined settlement limits and in particular towards dedicated Employment Zones such as Severalls Industrial Park.
- 15.2 In this instance the site comprises part of a former nursery. The large polytunnel buildings are virtually empty (apart from a small amount of informal storage). They are more like large plastic greenhouses than polytunnels. They are significantly more substantial than the polytunnels one may expect to see on a temporary basis in more rural parts of the district.

- 15.3 On that basis it is considered that the polytunnels are buildings that are capable of reuse. However they are proposed to be re-clad in metal sheeting. This raises the issue of whether the buildings are actually proposed to be reused or are in fact being rebuilt.
- 15.4 The applicant maintains that, although the walls and the roof of the buildings are being replaced, as it is on a like-for-like basis in terms of shape and size, with the plastic material replaced with metal, this does not constitute a full demolition and rebuild as all of the internal supporting structure will be retained. On balance this is accepted and on that basis this scheme does constitute the useful reuse of rural buildings.
- 15.5 In many ways the rather lightweight manner in which the building structures are being improved helps the applicant's case. It will not constitute such an investment that it is reasonably likely to prejudice any possible future, more comprehensive use for the wider site.
- 15.6 The scheme proposes a storage facility with some internal and some external storage. The planning statement calls the use 'private storage' and it is understood that the units will be used on a personal 'self-store' basis. The scale of the proposal does not lend itself to a large scale commercial B8 use.
- 15.7 Added to this is the strong steer in the NPPF and PGG for economic development. Whilst there is no end user at the moment, it constitutes economic development and is likely to produce future employment opportunities. In this regard the agent has clarified the following:
- "There are currently three full time staff employed on site that will be retained rather than be made redundant if permission is refused. In respect of additional employment there will be a potential increase of at least four full time jobs in the next three years".
- 15.8 It is also suggested that the opening hours are restricted so the use is not open through the night when the residents of the Old London Road are most likely to enjoy less traffic noise.
- 15.9 On that basis the scheme is considered to be acceptable in terms of principle.

Design and Layout

- 15.10 In design terms this scheme proposed limited changes to the existing building. The recladding will not appear as a significant visual change. The external storage will be screened behind an existing hedge and tree belt which will be bolstered by additional planting secured via a landscaping condition. It is suggested that a condition restricting the height of the external element of the storage to no more than 3 metres above the existing concrete hardstanding is imposed to prevent the scheme becoming excessively visually prominent.

Scale, Height and Massing

- 15.10 The scheme raises no issues in this regard.

Impact on the Surrounding Area

- 15.12 The scheme raises no issues in this regard.

Impacts on Neighbouring Properties

- 15.13 The use of the site does not appear to raise any neighbouring amenity issues. It is relatively isolated from neighbours. As the proposed use is one of storage as opposed to storage and distribution it is not envisaged that the use will generate a great deal of day to day activity on site.
- 15.14 The neighbours' concerns appear to come from a perception of increased traffic movements. It must be remembered that this site has a historically lawful *sui generis* nursery use. The neighbours have enjoyed little traffic generation from this site as over the past few years the use has been very limited. The historic use has not been abandoned and could be reinstated or even intensified at any time. As set out above this could include HGV movements which are unlikely to be associated with a storage use of the scale proposed.
- 15.15 The dwellings most likely to be affected are located close to, or directly face, the A12 Trunk Road, a national distributor of regional importance that carries very significant levels of HGV's day and night. It is therefore concluded that the scheme will not generate traffic movements that would be demonstrably harmful to neighbouring amenity.

Amenity Provisions

- 15.16 This scheme does not generate any amenity provisions.

Highway Issues

- 15.17 Both of the representations and the Parish comments are concerned with the scheme due to the impact on the Highway network. The Highway Authority (Essex County Council) has not commented due to the proximity to the A12 Trunk road as in instances such as this they defer to Highways England. Highways England has no objection to the scheme.
- 15.18 The Planning Statement notes that the existing *sui generis* nursery use generated between two and four HVG movements a day. Due to the scale of the storage use proposed it is not envisaged that this scheme will generate HGV movements.
- 15.19 There is no opportunity for this scheme to realistically cause an intensification of traffic to the northwest (through the Long Green/Jay's Lane area) as the former level crossing has been removed, replaced with a footbridge and the road blocked to vehicular traffic. This means that cars or vans will arrive at the site either via the Old London Road or directly off of the A12. It is noted that there is direct access to/from the northbound A12 carriageway serving the large commercial site (housing CF Anderson Timber Products and others) to the northeast which has a dual access point that crosses the Old London Road and connects directly to the A12.
- 15.20 Notwithstanding the concerns raised by the Parish and residents as the scheme has generated no objections from Highways England it is not considered that the scheme

would be demonstrably harmful to the interests of highway safety. Therefore a refusal on that basis would not be reasonable.

Other Matters

- 15.21 As a brownfield site with good links to the open countryside a Phase 1 Habitat Survey has been requested and provided. It did not consider the site or buildings to be used by protected species and on that basis this scheme is not considered to be demonstrably harmful to the interests of ecology.

16.0 Conclusion

- 16.1 This scheme constitutes an acceptable re-use of a previously developed nursery site. It is a relatively low key use that is not of a scale that will prevent the future beneficial redevelopment of the wider site, nor will it be materially harmful to neighbouring or visual amenity. The scheme is not demonstrably harmful to highway safety. 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 Location Revision A and drawing 01.

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

3 - *Premises Only for a Specific Use

The premises shall be used for private storage or self-store purposes only as defined in the Use Class Order and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed. For example a storage and distribution use would need further consideration due to the implications on the highway network and neighbouring amenity.

4 - *Removal of PD - Enlargement of Industrial and Warehousing

Notwithstanding the provisions of Article 3, Schedule 2, Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 no enlargement or extension to the polytunnel building shall be erected or carried out except in accordance with plans showing the siting and design of such enlargement or extension which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to allow further consideration to the impacts that such a development may cause on this site, at the time that any a proposal comes forward.

5 - *External Storage Only Within Shown Areas

No goods, materials or equipment shall be stored, stacked or deposited on the site, except on the land indicated for that purpose marked with hatching and annotated as "External Storage" on the approved Drawing 'Location Plan Revision A'.

Reason: This is the basis indicated within the submitted application and upon which the proposal has been considered and any further external storage would need further consideration at such a time as it were to be proposed as it could cause visual harm to the surrounding areas.

6 - *External Storage Limited in Height

No goods, materials or equipment shall be stored, stacked or deposited externally on the site to a height exceeding 3 metres as measured from any immediately adjacent ground level.

Reason: The external storage of goods in excess of this height would be visible and would have a harmful visual impact on the surrounding areas.

7 -Non-Standard Condition/Reason

The use hereby approved shall not operate, shall not be open to customers, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

Mondays - Fridays: 7am to 11pm

Saturdays: 7am to 11pm

Sundays and Public Holidays: 7am to 9pm

Reason: For the avoidance of doubt as to the scope of the permission and in order to ensure a reasonable level of protection to the amenities of neighbours and the surrounding area in general.

8 - Materials to be Agreed

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

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

9 - Non-Standard Condition/Reason

No works shall take place until a scheme of 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, 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. In particular the A 17m section of native hedging needs to be proposed directly to the northwest of the site entrance and extending along the boundary to meet the existing hedge, to help complement existing landscape structure, screen the development and soften the street scene.

10 - Non-Standard Condition/Reason

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

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

11 - No External Light Fixtures

No external lighting fixtures shall be constructed, installed or illuminated at any time.

Reason: To ensure that there are no undesirable effects of light pollution

12 - Non-Standard Condition/Reason

No site clearance works shall take place until the ecological measures set out in paragraphs 6.10, 6.11, 6.13, 6.14 of the submitted Extended Phase 1 Habitat Assessment have been carried out in full in precise accordance with the methodology set out in the report. The biodiversity enhancements listed in 6.29 to 6.32 of the same report must be installed within six months of the use becoming operational.

Reason: To ensure that the proposal does not cause harm to protected species and to ensure the biodiversity enhancements suggested by the submitted report are carried out.

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.

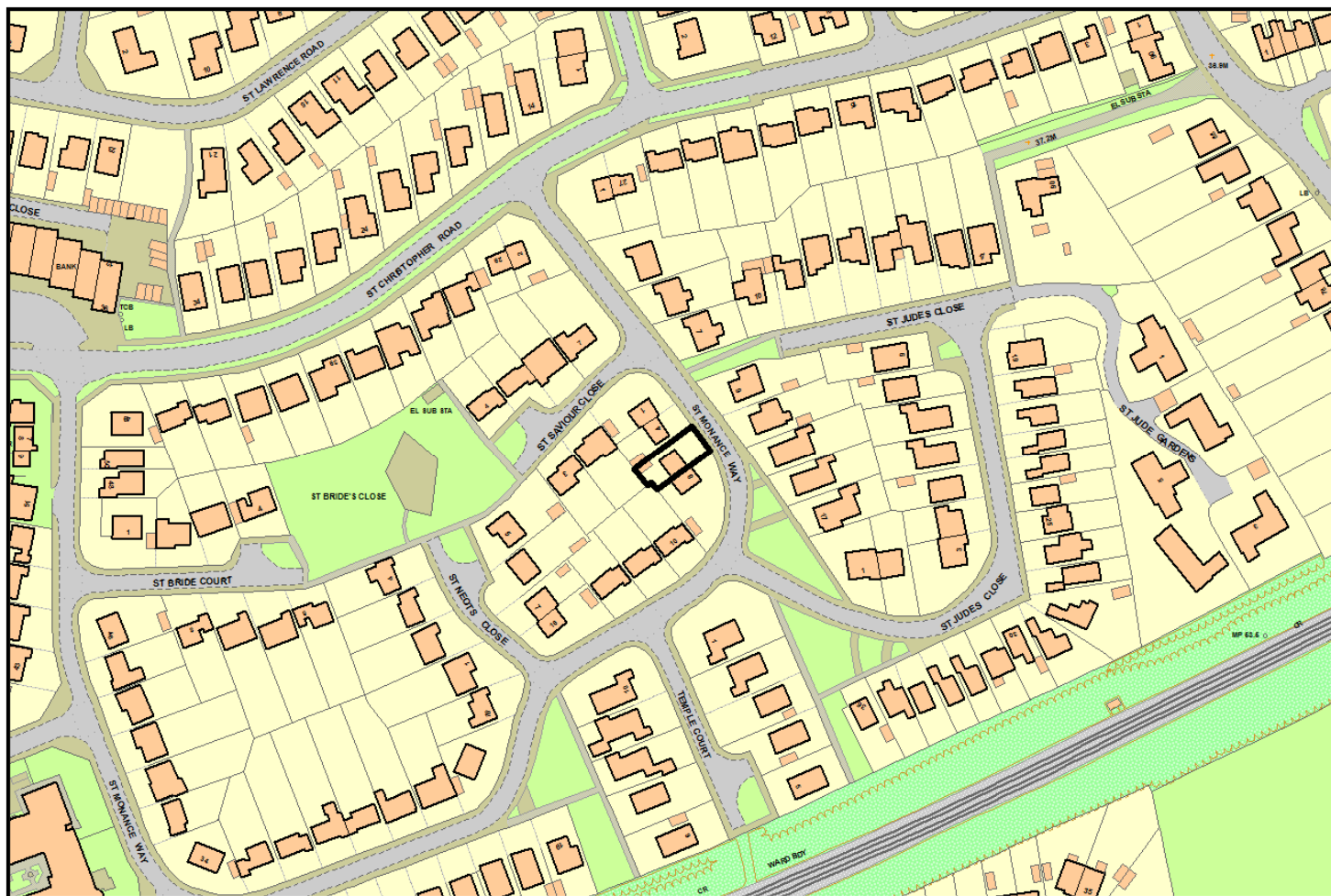
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(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: 152311

Location: 6 St. Monance Way, Colchester, CO4 0PN

Scale (approx): 1:1250

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7.2 Case Officer: Chris Harden Due Date: 17/12/2015

HOUSEHOLDER

Site: **6 St. Monance Way, Colchester, CO4 0PN**

Application No: **152311**

Date Received: 22 October 2015

Agent: Mr Steve Norman

Applicant: Mr P Walsh

Development: Two storey front extension.

Ward: St Johns

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Gamble on the grounds of concerns about the amount of amenity space that would be available for the extended dwelling.

2.0 Synopsis

- 2.1 The key issues explored below are the design and appearance of the extension, its impact upon neighbouring residential amenity and whether there would be enough amenity space and vehicular parking space retained for the existing dwelling.
- 2.2 It is concluded that the design and appearance of the extension would relate satisfactorily to the character of the existing dwelling and street scene. It is also considered that there will not be a significant impact upon neighbouring residential amenity and that adequate amenity space and vehicular parking areas will be retained.

3.0 Site Description and Context

- 3.1 The site contains a two storey, semi-detached dwelling that lies within a housing estate that was built in the early 1960s. There is a hard surfaced parking area to the front of the site and a driveway alongside the dwelling leading to a garage in the rear garden. The site lies a little way after a bend in the road to the south. The semi-detached properties to the north are very similar but are positioned a bit further forward and closer to the road.
- 3.2 Existing amenity space to the rear of the property is approximately 49 square metres. There is also around 18 square metres of space alongside the dwelling leading to the garage. This could be deemed as an access drive although it is a little narrow for current standards.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a two storey front extension to provide an extended living room downstairs and a fourth bedroom upstairs. The extension would project three metres forwards from the front of the existing house, would be approximately four metres in width and with a height to ridge of approximately 5.8 metres. It is proposed to use bricks and tiles to match the existing dwelling.
- 4.2 Three car parking spaces at the front of the property on the existing hard surfaced area would be retained.

5.0 Land Use Allocation

- 5.1 Within Colchester physical limits.

6.0 Relevant Planning History

- 6.1 An application for a rear extension measuring 3 metres by 6 metres was refused earlier in the year (151031) on the following grounds: "...the proposed two storey rear extension would increase the number of bedrooms from three to four, but would reduce the private rear garden area to approximately 35 square metres. This is significantly less than the standard that should normally be provided for a dwelling of this size and, if permitted, would result in the future occupants being left with an amenity area of unsatisfactory size, to the significant detriment of their residential amenity." It was also refused on overlooking of the neighbour's garden from the rear.
- 6.2 A previous proposal for a slightly larger extension to the rear (150296) was refused in March 2015 on the grounds of insufficient amenity space (below 30 sqm) and also on overlooking from a rear bedroom.

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
H2- Housing Density
UR2 - Built Design and Character

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

DP1 Design and Amenity

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP19 Parking Standards

7.4 Regard should also be given to the following adopted Supplementary Planning Vehicle Parking Standards

Extending Your House?

The Essex Design Guide

External Materials in New Developments

8.0 Consultations

8.1 Highways Authority “have viewed the details of this application and having regard to the fact that the two parking spaces are unaffected this Authority does not wish to submit formal recommendation.”

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 Ten letters of objection have been received which make the following points:

- Building works will cause noise and disturbance. Concerns about where building materials and equipment will be kept.
- Parking and road access will be affected. Owner already parks 4 cars on site. Extension will push back parking space, forcing people to park on the road, made worse by proximity to sharp bend. Police have advised residents to park in their own driveways. 3 accidents on the bend. 2 spaces is not enough.
- Commercial vehicles are parked as well as representatives from carpet delivery. I understand owner runs a business. Part of garage has been turned into an office.
- Large extension will be an eyesore and have an adverse impact on street scene. Well beyond building line and detrimental to the character of the existing semi-detached dwelling. Not democratic to approve such a large extension affecting neighbours.
- Downstairs could be made into a 5th bedroom.
- We don’t know of any other front extensions on the estate and this will set a precedent. Residents of other 3 bedroom properties will do the same.
- Will not be in keeping with houses on that side of the road.

- Represents overdevelopment. 4 bedroom house requires a minimum of 100 square metres of amenity land. Will circumvent policies DP16 and DP1. Council should uphold these planning laws.
- Area alongside house is used for washing line and for the dog, not for parking.
- There will be an overbearing affect and loss of outlook from our lounge and bedroom. Our views are currently uninterrupted. Will also be a loss of light.
- I am a shift worker and works will affect my sleep.
- Already out of keeping with block tarmac front garden

10.2 Councillor Gamble has called the application to Committee on the grounds of concern about the size of amenity space serving the dwelling.

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

11.0 Parking Provision

11.1 3-4 spaces.

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, scale and Layout

15.1 It is considered the design, scale and form of the extension is acceptable in this context. Whilst the gable would project forward, it would be of traditional proportions and would not detract from the character of the existing dwelling. The attached property has a gable facing the road, as has the semi-detached property nearby. The building line in the street also varies so the fact that this extension would project forward would not be out of keeping with the character of the street scene. The extension would also be marginally lower than the height of the main dwelling, allowing it to appear appropriately recessive. It is therefore not considered that the proposal would detract from the visual amenity or character of the area and that the layout of the scheme is satisfactory.

Impacts on Neighbouring Residential Amenity

- 15.2 There are not concerns with regard to neighbouring loss of outlook or loss of light from the dwellings either side of the proposal or opposite. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement. The extension would be approximately five metres from the dwelling to the north (No.4) and this is an adequate distance to avoid any significant detrimental impact. Similarly, the extension would be far enough from the adjoining No.8 to avoid causing a detriment to residential amenity. It is not considered the proposal would be overbearing and it should be noted that there is no right to a view over the front garden of the applicant's site.
- 15.3 The combined plan and elevation tests are not breached in relation to the properties either side and the proposal therefore satisfies the Council's standards for assessing the light issue as set out in the Essex Design Guide and the Extending Your House? guidance.
- 15.4 Short term disturbance from building works would not be a reason to withhold planning permission. Environmental Health can take action if a statutory nuisance is being caused. A condition to ensure a building works management plan is submitted and agreed can also be helpful in this respect so this can be applied.

Amenity Space

- 15.5 It is fair to say that amenity space provision is comparatively small for this dwelling, with around 49 square metres to the rear (excluding garage) plus 18 square metres alongside the property which also appears to be used for amenity space rather than for parking. Policy DP16 refers to a minimum of 60 square metres being provided for 3 bedroomed dwellings and 100 square metres for 4 bedroomed dwellings. The policy, however, relates to private amenity space for 'new residential development' and so is really deemed as guidance for work to existing dwellings rather than a hard and fast rule. The Essex Design Guide also sets standards for amenity space and indicates that 100 square metres is an appropriate provision but that this can vary depending upon the specific circumstances of site. It should be noted that DP16 is more recent (adopted 2010, reviewed 2014). The Urban Place Supplement recognised that these standards are not always helpful in producing good quality development in compact urban developments and indicates a minimum provision of 25 square metres in more urban locations. The Borough Council's SPD "Extending Your House?" states that "Private amenity space should comprise of a useable space appropriate to the size of the dwelling and its surroundings and should be adequately screened to ensure privacy. Extensions and new buildings should not result in sub-standard or unusable garden/amenity areas."
- 15.6 Having regard to the above policies and guidance and the context of the site, it is considered that in this case the level of amenity space that would be retained for the four bedroom dwelling would be acceptable and adequate for the future occupants of the dwelling. Unlike the previously refused case, the level of amenity space to the rear would remain as existing, with a maximum depth of seven metres. Amenity space varies throughout the estate and it is considered that future occupants of this house would have adequate amenity space provision overall to enjoy an acceptable quality of life and that the site would not appear overly cramped or overdeveloped. The fact that

the dwelling has a relatively large area at the front of the site also helps this issue, a point acknowledged in the Essex Design Guide.

- 15.7 A condition can be applied to remove Permitted Development Rights so that the size of the rear garden is retained as such for the future if the development goes ahead (unless a subsequent application is approved.) The applicant currently has permitted development rights so such a condition could actually help with future amenity space provision.

Highway Issues

- 15.8 The front of the site has already been laid out as hard surfacing. Even if the extension was built, there would still be at least three parking spaces retained that would meet current parking space size standards. This exceeds the level of two spaces that is required for a 4 bedroomed dwelling. It is therefore considered that a refusal on lack of parking provision could not be justified.
- 15.9 It is not considered that the fact the site is close to bend would warrant a refusal on highway safety grounds. The Highways Authority has raised no objections to the scheme and is satisfied that parking provision would remain unaffected. The applicant has the right to use his property to park his work vehicle. The claim that a business is being operated is being looked into by the Enforcement Team, but at present there is no evidence that this is the case. This is a separate issue and would not warrant refusing this domestic extension.
- 15.20 As mentioned previously, a building works management plan condition can be applied and this can also cover issues such as parking of construction vehicles, in the interests of highway safety and amenity.

16.0 Conclusion

- 16.1 In conclusion, the proposal is considered to be acceptable in terms of its design and appearance, it would not have a significant impact upon neighbouring residential amenity or upon highway safety and adequate amenity space and parking areas would be retained.

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: Location plan, 1544/4, 1544/5, 1544/6 received 22/10/15.

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

3 - Non-Standard Condition/Reason

Prior to commencement of development, a building works management plan shall be submitted to and agreed in writing by the Local Planning Authority. All works and associated activity shall accord with the approved building works management plan during the lifetime of the development works.

Reason: In the interests of highway safety and the amenity of the area.

4 - 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.

5 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

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

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.



Application No: 152074

Location: 1A Beverley Road, Colchester, CO3 3NG

Scale (approx): 1:1250

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7.3 Case Officer: Chris Harden

Due Date: 04/12/2015

HOUSEHOLDER

Site: 1A Beverley Road, Colchester, CO3 3NG

Application No: 152074

Date Received: 23 September 2015

Agent: Mr Peter Tyler

Applicant: Mr Michael Connell

Development: Window enlargement to rear elevation.

Ward: Christ Church

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the agent works as a consultant for Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues explored below are the consideration of the design of the replacement window on the rear elevation and its impact upon the character of this Locally Listed Building and upon the Conservation Area. Any impact upon neighbouring residential amenity will also need to be assessed.
- 2.2 In this case the proposal is considered acceptable having regard to the above issues and approval is therefore recommended.

3.0 Site Description and Context

- 3.1 The existing dwelling is a two-storey, detached, Locally Listed property that lies within Colchester Conservation Area 2. The site also lies with an Article 4 Area which has removed Permitted Development rights for replacing windows.

4.0 Description of the Proposal

- 4.1 The proposal is to replace an existing ground floor Crittall steel window in hardwood surround on the rear elevation with a larger window of the same materials. The existing window measures 1.3 metres in width and 1.1 metres in depth. The replacement window would measure 1.8 metres in width and 1.2 metres in depth.

5.0 Land Use Allocation

- 5.1 Predominantly Residential.

6.0 Relevant Planning History

- 6.1 There is no planning history that is of particular relevance to this case.

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
ENV1 Environment

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

- 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 No observations have been received.

9.0 Parish Council Response

- 9.1 The Parish Council have made no observations.

10.0 Representations

- 10.1 No representations received.

11.0 Parking Provision

- 11.1 There are several spaces at the front of the property.

12.0 Open Space Provision

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 It is considered that the replacement, larger window preserves the character of the Conservation Area and Locally Listed building. The window would not be publically visible, being located at the rear of the property so there would be no wider impact upon the character of the Conservation Area.

15.2 The proposed window is considered to be of a size and form that would not detract from the character of the rear elevation of the dwelling. The use of steel windows in a hardwood surround would also match the other existing windows of the property. It is proposed that the precise detailing of the replacement window would match the detailing of the other existing windows. The loss of the existing window is acceptable as it is not considered to be of particular historic importance that would warrant its retention. Some original fabric of the building in the form of brickwork would be removed but this would not undermine its historic character to any significant degree.

15.3 The replacement window would be on the ground floor so it is not considered there would be any detriment to neighbouring amenity from overlooking.

16.0 Conclusion

16.1 It is concluded that the proposal would preserve the character of the Conservation Area and Locally Listed Building and would not be detrimental to neighbouring residential amenity. The proposal would therefore accord with the abovementioned policies.

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:596-1 and 596 -2 received 23/9/15.

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

3 - 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

4 - Making Good

Within one month of the work being carried out, all adjoining surfaces which have been disturbed by the works (including brickwork) shall be made good with materials and finishes to match those of existing undisturbed areas surrounding the new opening.

Reason: In order to preserve the historic character of the Locally Listed building.

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.

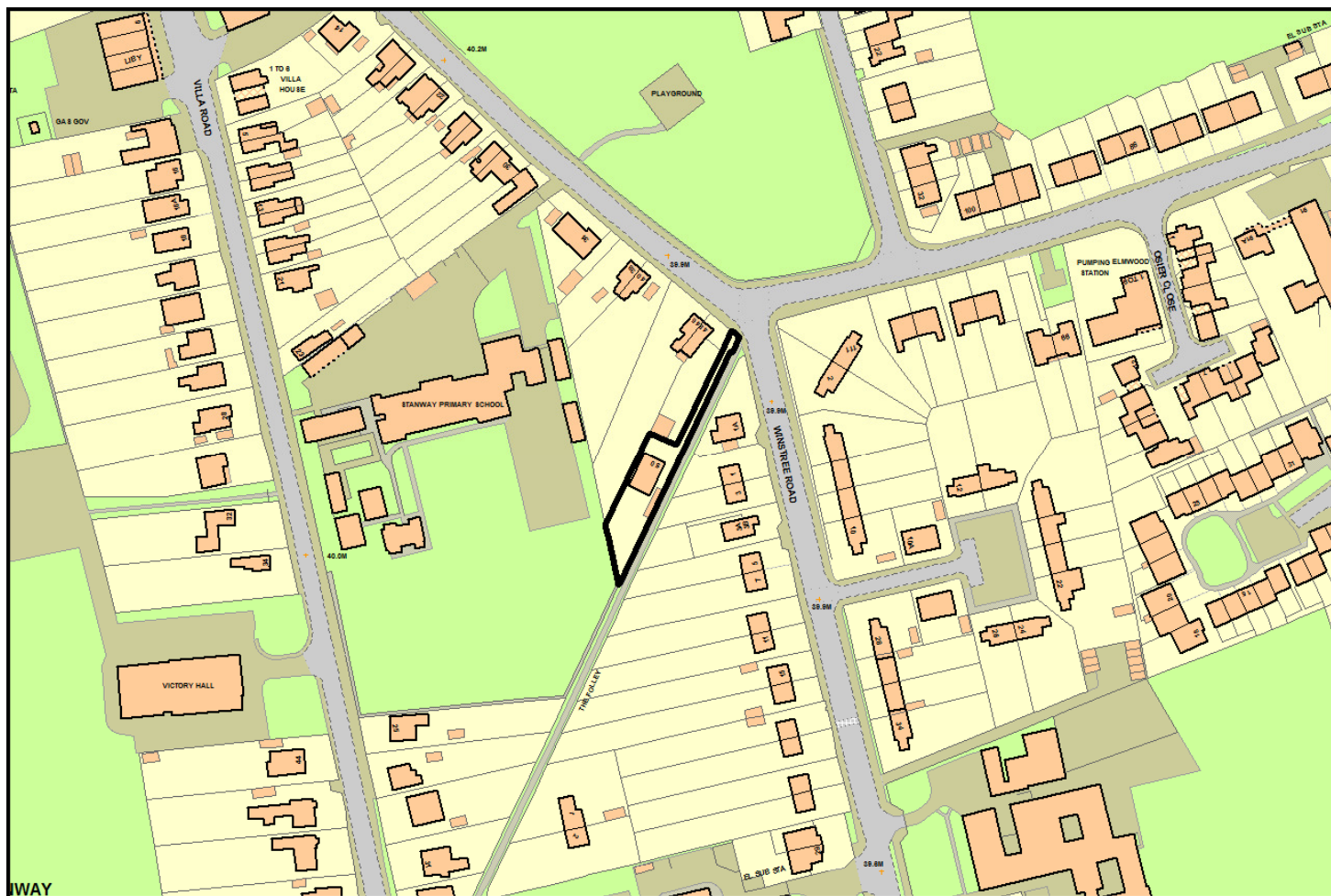
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(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.



Application No: 152376

Location: 50 Chapel Road, Stanway, Colchester, CO3 0PX

Scale (approx): 1:1250

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7.4 Case Officer: Richard Collins**Due Date: 25/12/2015****Site:** 50 Chapel Road, Stanway, Colchester, CO3 0PX**Application No:** 152376**Date Received:** 30 October 2015**Agent:** Peter Tyler - Tyler Surveying**Applicant:** Mr Gordon Curtis**Development:** Rear extension and alterations to the roof.**Ward:** Stanway**Summary of Recommendation:** Conditional Approval**1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because the agent works for the Council on a consultancy basis.

2.0 Synopsis

- 2.1 The key issues explored below are the design of the proposal and its impact on the amenity of the neighbours. Both are considered to be acceptable and therefore an approval is warranted.

3.0 Site Description and Context

- 3.1 The site is located within the predominantly residential area of Stanway, and to the east of Stanway Primary School to which it shares a common boundary. The property is single-storey and set back from the main highway by approx. 47 metres, and reached via a private drive off Chapel Road. A public footpath runs adjacent to the south-east boundary of the site which connects Chapel Road to the north, with Villa Road to the south.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for a single-storey rear extension to the rear to create an en-suite to bedroom 1, and an extension to the existing dining room.
- 4.2 The extension off the existing dining room will result in a re-configuration of this part of the dwelling, which includes reducing the size of the existing garage (internally) by creating a utility room, and a raising of the roof on this part of the dwelling by approx. 0.7 metres and provision of a roof lantern.

5.0 Land Use Allocation

- 5.1 The site is located within the defined settlement limits where development such as this is acceptable in principle.

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

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

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

UR2 - Built Design and Character

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

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

N/A

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

Extending Your House?

The Essex Design Guide

8.0 Consultations

- 8.1 None

9.0 Parish Council Response

- 9.1 No objections.

10.0 Representations

10.1 None received.

11.0 Parking Provision

11.1 The scheme will not impact upon the on-site parking provision, which already enjoys a large turning and parking area, and double garage.

12.0 Open Space Provisions

12.1 This scheme raises no concerns in terms of open space.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

Design and Layout

15.1 The design of the proposal is entirely in keeping with the design of the existing dwelling. The roof form and use of materials is appropriate to the existing dwelling, and being rear extensions they have very limited public visibility. It is therefore acceptable.

Scale, Height and Massing

15.2 The extensions are acceptable in this regard.

Impact on the Surrounding Area

15.3 The design of the scheme will have a neutral impact on the street scene, given the very limited public visibility, and is therefore acceptable in that regard.

15.4 It is noted that the extension to increase the height of the roof by approx. 0.7 metres sits adjacent to the public footpath, however it is considered this increase in height is minor, and will not adversely affect the users of the public footpath.

Impacts on Neighbouring Properties

15.5 The extensions are not considered to be overbearing on the outlook of neighbours.

- 15.6 Similarly, there are no concerns regarding loss of light. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide and the Extending Your House SPD.

Amenity Provisions

- 15.7 This scheme allows the retention of ample useable amenity space. The scheme is therefore acceptable in that regard.

Highway Issues

- 15.8 This scheme raises no highway issues. With regards to the public footpath, an informative will be added to the planning permission advising the public's rights and ease of passage shall be maintained free and unobstructed at all times.

Other Matters

- 15.9 This scheme does not raise any other issues.

16.0 Conclusion

- 16.1 This modest scheme is only before Members as the applicant's agent works for the Council on an ad-hoc consultancy basis. The scheme is acceptable in design terms and raises no issues in terms of its impact on amenity. 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 633-1A, 633- 4A, 633-5A, and 633-6.

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

3 - *Protecting Public Rights of Way

The public's rights and ease of passage over PUBLIC FOOTPATH number 149-3 shall be maintained free and unobstructed at all times.

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

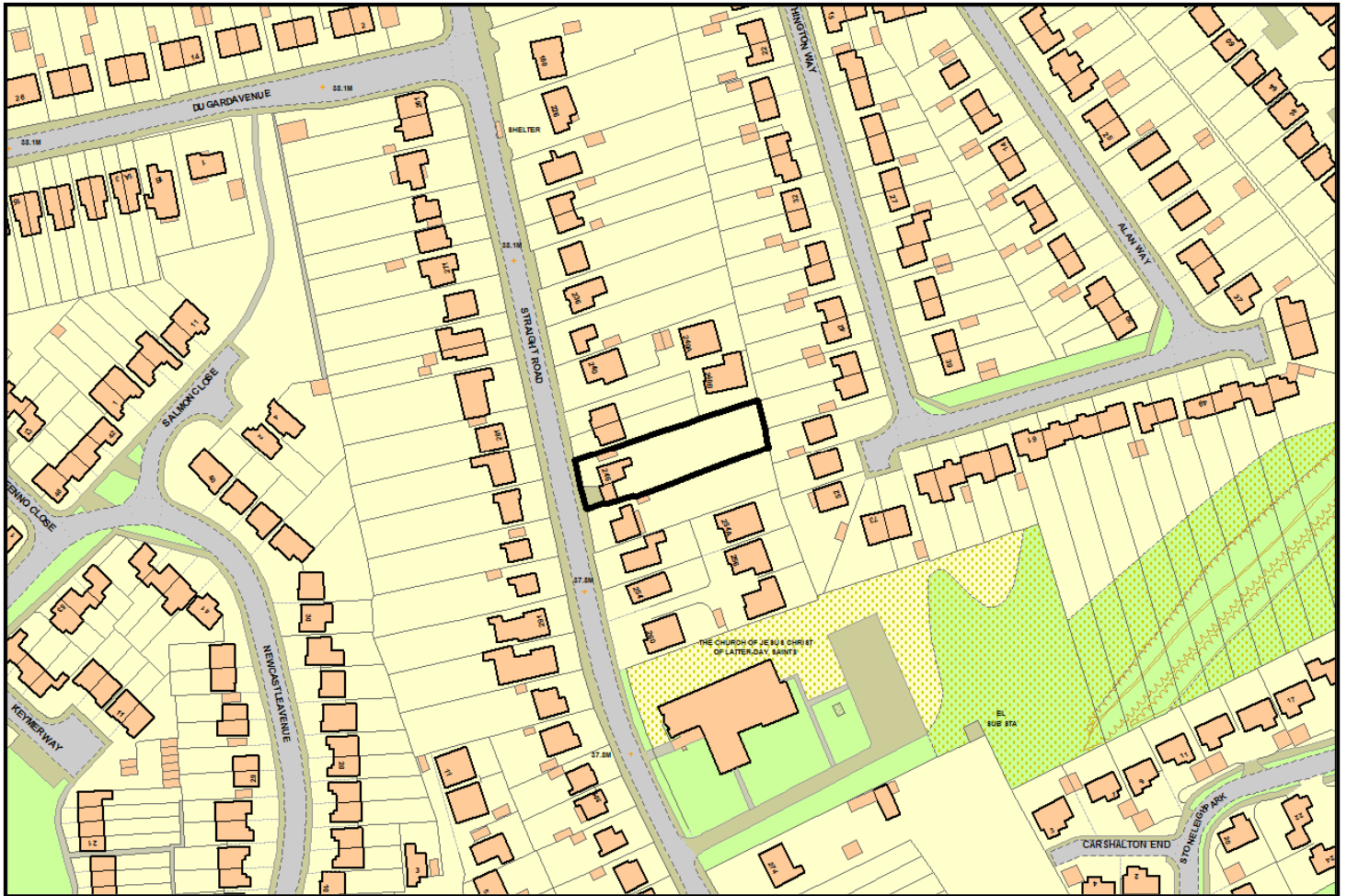
The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control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

(2) - Protecting Public Rights of Way

The public's rights and ease of passage over PUBLIC FOOTPATH number 149_3 shall be maintained free and unobstructed at all times.

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: 152249

Location: 246 Straight Road, Colchester, CO3 9DU

Scale (approx): 1:1250

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7.5 Case Officer: Carl Allen

Due Date: 04/12/2015

HOUSEHOLDER

Site: 246 Straight Road, Colchester, CO3 9DU

Application No: 152249

Date Received: 9 October 2015

Agent: Peter Tyler - Tyler Surveying

Applicant: Mr Scott Jenkins

Development: First floor extension.

Ward: Prettygate

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the agent is a consultant who is occasionally employed by the Council.

2.0 Synopsis

- 2.1 The key issues explored below are that of amenity and design. In both of these regards the proposal is considered acceptable and approval – with conditions, is recommended.

3.0 Site Description and Context

- 3.1 Number 246 is a detached house located on Straight Road. The north elevation has a two-storey side element which reduces to single storey to the rear. To the west is the front elevation with some hard standing immediately in front of it which is used for off-street parking with the highway of Straight Road beyond. To the north is a side access with a wooden panel fence forming the boundary with No. 244 – which has its own access between the fence and the actual house. To the east the rear garden.

4.0 Description of the Proposal

- 4.1 The proposal is to add a first floor to the single-storey side element – to match the existing two-storey element. The proposal would be 3.1m long, 2.5m wide and would have a total height of 6.6m. The proposal would form a larger fourth bedroom with no windows on the north elevation and a window in the rear/east elevation.

5.0 Land Use Allocation

- 5.1 Residential.

6.0 Relevant Planning History

- 6.1 99/0413 – Conversion of garage and new parking arrangement. Approved.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) 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

DP19 Parking Standards

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

N/A

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

Extending Your House?

The Essex Design Guide

External Materials in New Developments

8.0 Consultations

- 8.1 N/A.

9.0 Parish Council Response

- 9.1 N/A.

10.0 Representations

- 10.1 None received.

11.0 Parking Provision

- 11.1 No change.

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 The proposed extension would be to the south of the nearest neighbour (no.244) and would be approximately 2.3m from the boundary with the neighbour and approximately 3.5m from the neighbour itself. The height of the proposed first floor extension would be a total of 6.6m - which is the same as the existing two-storey side element that it would be attached too. Both of these factors (orientation and height) would ensure that the neighbour would not be impacted upon in regards to overshadowing. The proposal contains only one window and this would be in the rear elevation. This window would bring forward the existing window by just over 3m and whilst some views into the neighbours garden would be possible it would not fundamentally change the existing situation. It also has to be taken into account that the site is in a residential area where there is a degree of mutual overlooking between neighbours. The proposal is considered acceptable in amenity terms and accords with DP1.
- 15.2 The proposed design would mirror the existing two-storey side element, although there would be a different first floor external material (fibre cement boarding). This difference in material would not be widely seen, due to its position at the rear of the dwelling and it would have little visual impact. Given the relatively small addition to the dwelling the existing dwelling would still be clearly expressed and would not detract from the original dwelling. The proposal therefore complies with UR2, DP1 and DP13.

16.0 Conclusion

- 16.1 The proposal is acceptable and would not result in any amenity issues and does not raise any design concerns.

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 602-1, 602-3 and 602-4 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 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 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.

3 December 2015

Report of	Head of Commercial Services	Author	Daniel Cameron
Title	Affordable Housing Delivery Report		
Wards Affected	All		

This report sets out the current level of Affordable Housing delivery within Colchester Borough.

1. Decision Required

- 1.1 Members are asked to note the report and the details set out within it.
- 1.2 Members are invited to provide any feedback on the report; including whether these reports should be provided on a more regular basis and what further information they might expect to see in future reports.

2. Reasons for Decisions

- 2.1 Members have recently indicated that they would like to be presented with a clearer understanding of the level of Affordable Housing currently being delivered against adopted Local Plan policy.
- 2.2 The report is presented to ensure that Members are informed of:
 - The current level of Affordable Housing delivery;
 - The rates of historic delivery Affordable Housing; and
 - The future projections for delivery of Affordable Housing.

3. Supporting Information

Policy Background

- 3.1 The National Planning Policy Framework (NPPF) states at paragraph 50 that Local Planning Authorities are required to:
 - Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...

- 3.2 Within the current Core Strategy document, Policy H4 sets out Colchester Borough Council's approach towards securing affordable housing. It states: "The Council will be seeking to secure 20% of new dwellings (including conversions) to be provided as affordable housing (normally on site)... For sites where an alternative level of affordable housing is proposed below the target, it will need to be supported by evidence in the form of a viability appraisal."
- 3.3 The NPPF also states at paragraph 173 that "Pursuing sustainable development required careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. 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."
- 3.4 The above paragraph effectively limits the ability of Colchester Borough Council to extract affordable housing in line with its policy from developments where it can be demonstrated that the cost to the developer of providing affordable housing, whether on site or through a commuted sum, would harm the viability of the project.

Affordable Housing Delivery

- 3.5 The Council's current adopted policy requires Affordable Housing to be provided on-site by developers of sites over a certain size (over 10 units in urban parts of the borough and larger villages and over 5 units elsewhere). The housing should be scattered (called 'pepper potting') across the site in a tenure-blind manner and the mix of properties to be delivered should be reflective of the overall mix of properties being built.
- 3.6 Where developers are unable to deliver Affordable Housing on site, commuted sums are sought to enable the delivery of Affordable Housing elsewhere in the borough so that housing need can still be addressed.
- 3.7 Where viability appraisals show that infrastructure contributions or affordable housing delivery required by policy jeopardises the ability of site to come forward and make a profit for the landowner and developer the local planning authority must react with flexibility, reducing or removing obligations so that projects can be delivered viably.

Delivery above Threshold

- 3.8 Policy H4 sets a minimum amount of dwellings on site to come forward as Affordable Housing and Council has seen a number of sites come forward which overprovide on their delivery of Affordable Housing.
- 3.9 The following schemes, approved between 2013 and 2015 have overprovided their Affordable Housing element:
- Land to the north of Elmstead Road – 18 units total, 4 affordable units – 22%;
 - Bourne Court, King George Road – 24 units total, 6 affordable units – 25%; and
 - Ilex Close, Colchester - 43 units total, 43 affordable units – 100%.

2015/16 Delivery

3.10 Information on the delivery of Affordable Housing is collected quarterly by Colchester Borough Council from Registered Providers of social housing. The table below shows the level of Affordable Housing delivered from various sites in quarters one and two of 2015/16 and predictions for delivery for the remaining quarters. At the end of quarter 1, over half of the homes expected this year had been delivered.

3.11 Table 1 – Affordable Housing Delivery 2015/16

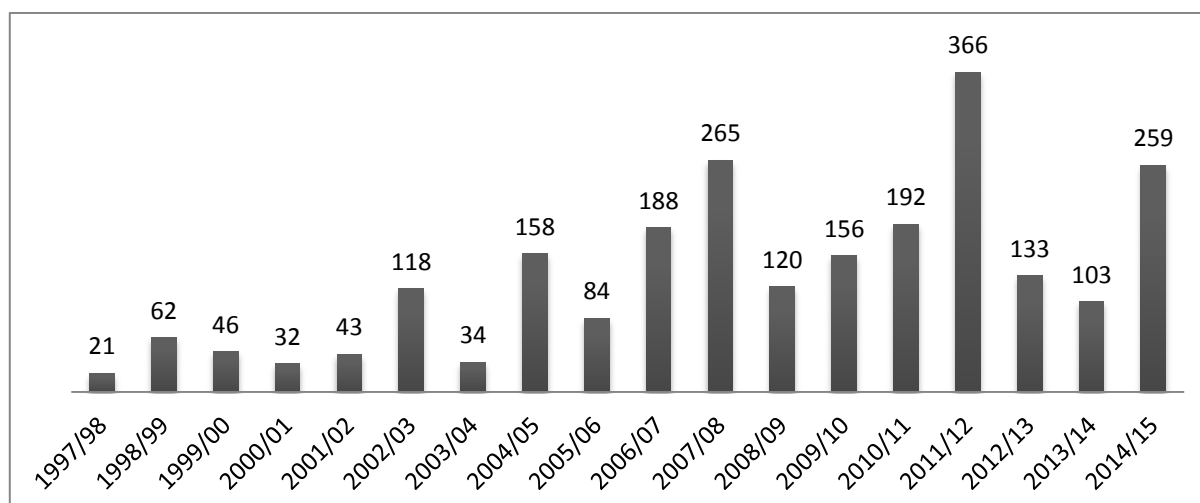
Scheme Name	Delivery & Predictions				
	Q1	Q2	Q3	Q4	Total
The Garrison J2		4		9	13
Avallana Place			25		25
The Garrison S2NW	3				3
The Garrison L & N (handed over)	6				6
Northfields			12		12
Brook Street	2				2
Brook Street - Phase 2	10				10
Severalls Hospital Site			13		13
Monkwick Avenue - Site 2 CBC New Build	4				4
Rosabelle Avenue CBC New Build	5				5
Windsor Close CBC New Build	8				8
Monkwick Avenue -Site 1CBC New Build	14				14
Collingwood Road		1			1
Stirrup Mews				1	1
Lakelands NR 1 & 3	20				20
Totals	72	5	50	10	137

Please note items in italics have not yet been delivered and therefore, while they are expected to come forward cannot be fully relied upon.

Historic Delivery of Affordable Housing

3.12 Figure 1, below, shows the fluctuations in the delivery of Affordable Housing from 1997/98 onwards to 2014/15.

3.13 Figure 1 – Historic Affordable Housing Delivery 1997/98 to 2014/15



- 3.14 Over the past 18 years a total of 2380 Affordable Homes have been provided within the Borough over the past 18 years. Despite the fluctuations in delivery numbers this equates to an average of 132 units per year.
- 3.15 Looking in particular at the last 3 years a total of 495 Affordable Homes have been provided at an average of 165 units per year.

Delivery through Section 106

- 3.16 Of all planning applications determined within both the previous financial year (2014/15) and current financial year to date (2015/16) which proposed the creation of 10 or more residential units a total of 126 Affordable Housing units were secured. Table 2, below, gives details:
- 3.17 Table 2 – Affordable Housing secured via S106 2014/15 and 2015/16 to date.

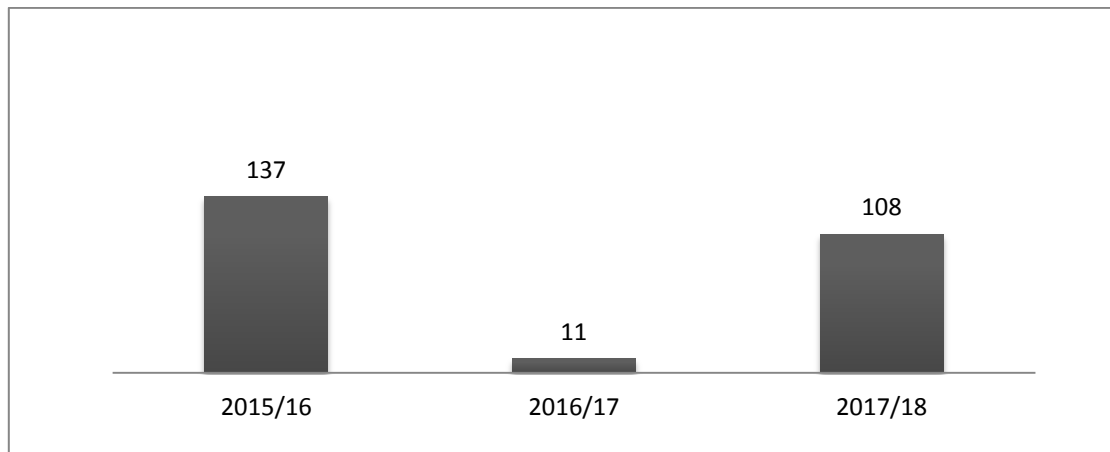
Planning Reference	Site Name	Total Units	Total AH Units	%
122134	Grange Road, Tiptree	103	10	10%
131538	Hunters Rough	16	0	0%
131604	Park Road	31	0	0%
132075	Bourne Court	24	6	25%
143740	Land North of Elmstead Road	18	4	22%
145132	505 Ipswich Road	127	25	20%
145356	Clarendon Way	18	0	0%
145494	Wyvern Farm	358	72	20%
	Totals	695	117	17%
Rural Exception Sites				
146334	Hallfields Farm	17	9	53%
146330	Messing CP	3	2	66%
	Totals	20	11	55%

- 3.18 The sites at Hunters Rough and Park Road made commuted sums in lieu of delivery on site as Policy H4 allows. Clarendon Road submitted viability information to show that the scheme was not viable making contributions and Grange Road was shown to not be able to support full contributions.

Predicted Delivery

- 3.19 Figure 2 sets out the predicted levels of Affordable Housing delivery over the next three years. While there can be some degree of certainty over the level of delivery for 2015/16, figures for 2016/17 and 2017/18 should be treated with extreme caution. There may also be some loss even in early periods due to delays such as adverse weather which hampers build out on site. In these instances it is expected that delivery will simply slip into the following year.

3.20 Figure 2 – Predicted Affordable Housing Delivery until 2017/18



- 3.21 Delivery is predicted to be low in 2016/17. The Council is looking at remedial action to boost supply through use of the New Homes Bonus.
- 3.22 Of the 108 affordable homes predicted to be provided in 2017/18, only four have secured planning permission. All other sites are at various stages of the planning process. These figures have been reported using the most reliable data at this present time.
- 3.23 Recent announcements by the Chancellor in the 2015 Summer Budget speech and due to be enacted by the forthcoming Housing and Planning Bill 2015 and Welfare and Work Bill 2015/16 have created uncertainty within the Affordable Housing sector over the ability of Registered Providers of social housing to take on the delivery or management of Affordable Housing. This situation will continue to be monitored by Officers.
- 3.24 It should be noted that the Housing and Planning Bill 2015 contains provision for Starter Homes, properties sold at a discount below market rate, to be provided within the package of Affordable Housing put forward by developers. The implications of this are not yet known but there is concern that even with a discount many people will not be able to afford to buy a new home.

4. Financial Implications

- 4.1 There are no financial implications for Colchester Borough Council to explicitly note within this report.

5. Equality, Diversity and Human Rights Implications

- 5.1 The provision of affordable homes helps to promote equality regardless of economic status and therefore contributes towards promoting diversity through improved access to housing unrelated to the individual's ability to compete in the open market.

6. Consultation and Publicity Considerations

- 6.1 No public consultation is required. The report may generate some publicity for the Council.

7. Risk Consideration

- 7.1 The announcements made by the Chancellor in the Summer Budget speech and as outlined within draft legislation in the Housing and Planning Bill 2015 and Welfare and Work Bill 2015/16 regarding Affordable Housing is creating unprecedented change within the sector. As such the impact of these changes is as yet unknown but is creating significant uncertainty within the wider housing industry specifically with regards towards rented accommodation.

8. Strategic Plan References

- 8.1 The Strategic Plan has four headline themes. Under the 'Prosperous' theme, the plan seeks to:
- Provide opportunities to increase the number of homes available including those that are affordable for local people and to build and refurbish our own Council houses for people in significant need
 - The provision of affordable homes through the use of commuted sums is one method of delivering this strategic aim.

9. Community Safety Implications

- 9.1 The proposed changes do not significantly affect community safety.

10. Background Papers

- 10.1 The National Planning Policy Framework is available on the Gov.uk website. Colchester Borough Council's Strategic Plan and Core Strategy are available on the website.