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Item No: 7.4

Application: 190279

Applicant: Mr Matthew Swingwood, Colchester Borough Homes

Proposal: Proposal to create hard standing to create 2 parking spaces.

Location: Swan Grove, Chappel

Ward: Rural North

Officer: Annabel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact on highways safety, landscape, visual amenity and neighbouring residential amenity.
- 2.2 The application is subsequently recommended for conditional approval. It is not considered there would be any detriment to highway safety and the highway authority have made no objections. The proposal is considered acceptable from a landscape and visual amenity point of view in this context.

3.0 Site Description and Context

- 3.1 Swan Grove is a residential street in Chappel in a formal local authority residential area, the estate is of its time.

4.0 Description of the Proposal

- 4.1 The proposed location of the additional parking spaces is currently a small grassed area that separates garages from a pedestrian access way to 37 - 43 Swan Grove.

5.0 Land Use Allocation

- 5.1 Residential.

6.0 Relevant Planning History

- 6.1 There is no site history that is particularly relevant to the decision regarding this proposed development.

7.0 Principal Policies

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

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character
TA5 – Parking

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. specific to this application are policies:

DP1 Design and Amenity
DP19 Parking Standards

- 7.4 Emerging Local Plan

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

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

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

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

- 7.5 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

There are no relevant policies within the adopted Borough Site Allocations Policies (adopted 2010, amended 2014).

- 7.6 There is no Neighbourhood Plan for Chappel.

- 7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Stanway Joint Design Statement and Parish Plan

8.0 Consultations

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

- 8.2 Archaeological Officer:

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

- 8.3 Landscape Advisor:

Comments: The landscape content/aspect of the strategic proposals lodged on 06/02/19 would appear satisfactory, this provided the Arboricultural Officer is satisfied that the existing young maple tree to the side of plot 10, here: - will not be compromised by the proposal. This as this fairly young tree has considerable amenity value as it helps soften the street scene and will continue to do so for many years.

Conclusion: In conclusion, there are no objections to this application on landscape grounds, subject to the above.

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

Recommended Landscape Condition(s) & Informative:

The following condition(s) is/are recommended.

Standard:

ZFE – Landscape management plan

Bespoke:

Z00 – No part of the development shall be occupied until a scheme of hard and soft landscape 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 trees, shrubs and hedgerows on the site, proposed planting, details of any hard surface finishes and external works, which shall comply with the

recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any 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.

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

Recommended informative:

‘Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council’s Landscape Guidance Note LIS/B (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the ‘read our guidance’ link).’

8.4 Environmental Protection:

No Comment.

8.5 Highways:

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

Site adjacent to No 37 Swan Grove.

The proposed vehicular access shall be constructed at right angles to the highway boundary and to a site full width and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

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

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

Informative1: The applicant should be requested to provide evidence that the existing retaining wall is of sufficient design and construction to support the additional weight of upto 3 vehicles with the construction materials.

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

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

9.0 Parish Council Response

9.1 The Parish Council have not commented on the application.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The one objection was received full text is available to view on the Council's website.

10.2 The objection concerns a parking space that is no longer being sought as part of this application.

11.0 Parking Provision

11.1 The proposal increases the parking provision by two additional spaces.

12.0 Open Space Provisions

12.1 There is a minimal loss 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 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 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 The main issues in this case are:

- The Principle of Development
- Design and Layout
- Impact on the Surrounding Area
- Impacts on Neighbouring Properties
- Landscape and Trees
- Highway Safety and Parking Provisions (including Cycling)
- Parking Provision

15.2 The initial application sought the approval of 3 parking spaces, 1 of these parking spaces has been removed from the planning application. Due to the proximity of a tree that has a high amenity value and an objection from a neighbour.

15.3 The principle of the development is to reduce the amount of on street parking. The road in question has a large number of garages along the road side. However, these are not of a sufficient size to accommodate modern cars. Therefore, they are predominantly used for storage purposes. The need for the increase in parking provision was brought to the attention of the Council by Chappel Parish Council.

15.4 The loss of a small area of grass is considered to be acceptable and no objections have been received from the Council's Landscape Advisor. The proposal is in accordance with policy DP1 as the proposed respects the character of the area.

15.5 The Highways Authority have not objected to the proposed. The proposed is in accordance with Policy DP19 – Parking Standards. It will be conditioned that the parking space is of sufficient size and in accordance with the EPOA Vehicle Parking Standards which is an adopted supplementary planning document.

15.6 There will be no adverse impact to neighbouring properties. Only one objection has been received the subject of the objection is no longer being considered as part of this application.

16.0 Conclusion

16.1 To summarise, the proposed development fully accords with the Council's policy requirements.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

17.2 APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM – Development to Accord with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Buy A Plan "Proposed Parking Swan Grove, Chappel, Colchester CO6 2DU indexed 12 March 2019.

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

3. ZIS – Parking Space/ Hardstanding size

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

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

4. Non Standard Condition - Highways

The proposed vehicular access shall be constructed at right angles to the highway boundary and to a site full width and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

5. Non Standard Condition - Landscape

No works shall take place until a scheme of hard landscape 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, details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out prior to occupation of the development.

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

18.0 Informatives

18.1 The following informatives are also recommended:

1. Non Standard Landscape Informative

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link).'

2. Non Standard Highway Informative

The applicant should be requested to provide evidence that the existing retaining wall is of sufficient design and construction to support the additional weight of upto 3 vehicles with the construction materials.

3. Non Standard Highway Informative

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

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CO4 9YQ

4. 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.

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

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.