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Item No: 7.3

Application: 191646

Applicant: Kevin Whyte, Barefoot & Gilles

Proposal: Redevelopment of a vacant site to provide 6 flats, 2 mews houses and associated access road, parking, amenity space and landscaping.

Location: Land Adjacent to 62 Military Road, Colchester, CO1 2AN

Ward: New Town & Christ Church

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 Homes.

2.0 Synopsis

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

3.0 Site Description and Context

- 3.1 The site is 'land adjacent to 62 Military Road' which is Colchester Borough Council owned land.
- 3.2 The site is located within the defined settlement boundary and is on previously developed land, the previous building has been demolished.
- 3.3 The area is predominantly residential in character. The site is adjacent to but outside a conservation area and is adjacent to but outside a regeneration area.
- 3.4 The site is considered to be in a sustainable location and highly accessible. The site is 0.4 miles from the inner core of the town centre and there is a bus stop directly outside of the site. There is a local convenience store approximately 100m from the site.

4.0 Description of the Proposal

- 4.1 The proposal is to create 100% affordable homes. Each of the dwellings is to be affordable housing owned and managed by Colchester Borough Homes.
- 4.2 The proposal comprises two 2-bedroom mews houses, three 1- bed flats, three 2-bed flats, a total of eight dwellings.

5.0 Land Use Allocation

- 5.1 Previously developed land

6.0 Relevant Planning History

- 6.1 190373 – Preliminary Enquiry. The response to this PE helped to inform the current proposal.
- 6.2 121821 – Demolition of 58 – 60 Military Road

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 set out below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:
 - SD1 - Sustainable Development Locations
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - UR2 - Built Design and Character
- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:
 - DP1 Design and Amenity
 - DP12 Dwelling Standards
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP19 Parking Standards
- 7.4 There are no relevant policies within the adopted Borough Site Allocations Policies (adopted 2010, amended 2014).
- 7.5 There are no relevant Neighborhood Plans.

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

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

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

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

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

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

8.0 Consultations

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

8.2 Archaeology

No further archaeological work is required for the 62 Military Road site (“an evaluation has been completed and not further work is required”).

8.3 Highways

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

1. Prior to the occupation of the proposed development, the proposed vehicular access shall be provided in complete accord with the details shown in Drawing Numbered 2030/DE10-402/REV E.

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

2. The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on 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.

3. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 12m of the highway boundary.

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

4. Any new or proposed boundary hedge or vegetation shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5. The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 2030/DE10-402/REV E. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

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

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

7. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

8. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

Informative1: 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

Informative2: The applicant should be reminded that the relocation of the street furniture (lamp column) or alterations to the carriageway bus stop markings is

not guaranteed and they should engage in discussions with the owners of the street furniture without delay.

8.4 Contaminated Land

I note that this application is supported by REC, Phase I and II Geo-Environmental Assessment, Ref. 1CO105048/P2/R0, Final, dated May 2018. This is an acceptable initial report for Environmental Protection's purposes. It has identified some potential sources of contamination, requiring additional investigation and risk assessment. However, based on the information provided, it would appear that this would not preclude redevelopment for a residential end-use, with the remaining matters dealt with by way of planning condition to any approval. Consequently, should this application be approved, we would recommend inclusion of the following Conditions:

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

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

ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

ZG3 - *Validation Certificate*

8.5 Trees

Survey and Analysis - Regarding the proposed development and the tree report provided: I am in agreement with the conclusions of the report provided.

In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above.

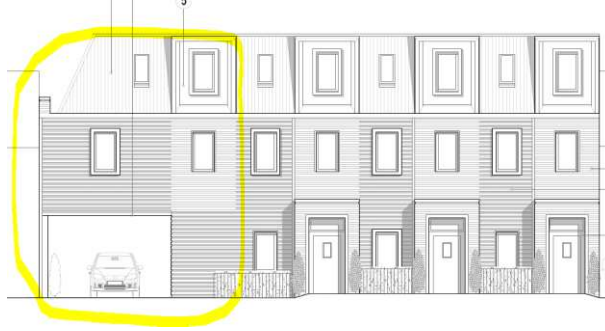
Recommendation - agreement to the landscape aspect of the application subject to condition: Make the tree report an approved document.

8.6 Urban Design

Proposals are moving in the right direction, though some further refinement is advised as follows before I could support the scheme:

1. The communal garden appears too small and detached. The cycle store should be relocated (e.g. along the NW site edge or to the northern corner) to enlarge the garden. Ground floor units should have direct spill-out access to the communal garden where possible to encourage usage more generally. Plot 2 should either have direct spill-out access to the space or overlooking windows omitted;
2. Inaccessible front gardens would be a maintenance liability and intuitively appear wrong – omit fencing if maintained by a management company or make visibly accessible from associated doorway if maintained by associated ground floor unit;

3. The Military Road façade around the drive-through appears unresolved:



Its recommended: (i) a concrete or slightly projecting brickwork surround is added to the drive-through opening to lend a sense of structural support especially considering the heavy looking rusticated brickwork above – ditto to the rear, (ii) the blank ground floor façade to the side of the drive-through is animated with signage for the development such as through engraved stone or concrete, or lettering onto flat brickwork, and (iii) considering a clearly differentiated 1st floor fenestration above the driveway (e.g. box oriel?) befitting differences with the rest of the facades use context and fenestration rhythm;

4. Possibly implied (as same as below) concrete window (immediate) surrounds at 2nd storey level would appear too heavy and its recommended these are clarified as zinc to match the wider (lightweight) surround at 'roof'-level;
5. Are parapets sufficiently raised having regard to roof maintenance and safety?;
6. Lintels only appear directly above openings and therefore appear



uncomfortably unsupported visually: . They need to be extended into side brickwork;

7. The rear parking court facing elevation relating to Flat 1 appears too blank:



High level ground floor fenestration is recommended, with recessed brickwork used to extend the sense of opening down;

8. Shadow analysis needed at different times of year and day to assess impact on neighbours;
9. It's unclear why floor-to-ceiling heights are so high (3.1m), resulting in a taller building than might be desirable and some noticeably disproportionate gaps between windows on different floors, e.g.:



10. Key materials, details and boundary treatments need conditioning.

Planning Officer Comment:

The majority of the suggestions by the Urban Designer has steered further amendments to the design which is now considered to be acceptable in detail and principle.

8.7 Built Heritage and Conservation

Heritage Asset: Summary of Significance

The application site is situated adjacent to boundary of the Newtown Conservation Area, a designated heritage asset. The Newtown Conservation Area is characterised by traditional Victorian residential properties (terraced housing, semi-detached and detached villas) interspersed by (formerly) commercial buildings.

Scope of Works: Summary

The application seek planning permission for the erection of residential units on a vacant site that is adjacent to the Newtown Conservation Area boundary.

Relevant Statutory Duties

The Planning (Listed Buildings and Conservation Areas) Act places a statutory duty to pay special attention to the desirability of preserving the character or appearance of a conservation area

The National Planning Policy Framework (NPPF) is also a material consideration. Section 16, Par. 193 of the NPPF determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Par. 194 determines that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Whereas paragraph 195 deals with substantial harm to a designated heritage asset, Par. 196 states that where a development proposal will lead to less than substantial harm to the asset's significance, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Analysis of Impact Upon Heritage

The application site is bounded by the rear gardens of residential properties that are located within the Newtown Conservation Area. There will no significant views of the proposed development from the public domain within the conservation area and, as such, the development will not have an impact on the conservation area when taken as a whole.

Compliance with Relevant Policy

Local Plan: Core Strategy ENV 1 and Development Plan Policies DP 14

NPPF: Par. 193 requiring the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Par. 194 determines that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

For the reasons given above, the proposed development is not considered to conflict with the adopted policies and/or national planning guidance.

Conclusions & Recommended Actions

The proposed development is considered to have a neutral impact on the character and appearance of the Newtown Conservation Area when taken as a whole. For this reason, there is no objection this application from a heritage perspective (impact on conservation areas and/or listed buildings).

Should comments be required in respect of the design merits of the proposed development, you should seek advice from the Council's Urban Design Officer.

8.8 Environmental Protection

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

General

The developer is referred to the 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.

Fires

No fires to be lit on site at any time.

ZCG - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

EV Charging points

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated)

9.0 Parish Council Response

9.1 N/A Non – parished

10.0 Representations from Notified Parties

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

10.2 Objections

There have been 4 objectors, of which some have submitted multiple separate objections. A summary of the matters raised:

- Adverse impact on Residential amenity – loss of privacy/overlooking/light
 - Planning Officer comments: This has been assessed and is addressed in the report.
- Adverse Impact on Neighbouring trees
 - Planning Officer comments: The relevant tree assessment has been submitted and reviewed by the Councils Tree Officer and considered to be acceptable subject to conditions.
- Adverse Impact on Highway safety
 - Planning Officer comments: The Highways Authority has been consulted and no objection has been raised see highways comments 8.3 therefore the proposed is considered to be acceptable with regards to highways safety.
- Adverse impact on Wildlife – birds on site
 - Planning Officer comments: the site is a derelict vacant site. An ecological survey was deemed not appropriated as part of the application process. The disturbance of nesting birds is controlled under the Wildlife and Countryside Act. Therefore, an informative will remind the applicant of their duties to comply with the relevant legislation.
- Pressure on local services
 - Planning Officer comments: The Local Plan supports the redevelopment of previously development sites within the settlement boundary. The planning application is not a major planning application therefore no contributions have been sought.

- Pressure on parking
 - Planning Officer Comments: It is considered that sufficient parking has been provided, a parking assessment to support this conclusion has been submitted.
- There were also matters raised that are not material planning considerations.

11.0 Parking Provision

- 11.1 Development Policy DP19: Parking standards states that a minimum of 1 parking space should be provide for each 1-bedroom dwelling and 2 parking spaces for dwellings with 2-bedrooms or more, additional 0.25 spaces to be provided per dwelling for visitors. DP19 also states that a lower standard of parking provision may be acceptable where is can be demonstrated that there is a high level of access to services. It is considered that the proposed is within a highly accessible area with ease of access to services. The proposed scheme provides 8 parking spaces this equates to 1 parking space per dwelling.
- 11.2 In support of the application a car parking survey was carried out. The parking surveys where focus on Bob Russell House as a similar development and Goodey Close. The car parking survey concluded that at Bob Russell House's parking stress was low and there were adequate spaces for additional vehicles. At Goodey Close although the stress on the Sunday was relatively high there was still car parking availability.
- 11.3 The site is in a sustainable location. The car parking survey has provided sufficient information to evaluate the parking stress for allocated parking in the area. On balance the parking provision proposed is considered to be acceptable and in conformity with policy DP14.

12.0 Accessibility

- 12.1 With regards to the Equalities Act and compliance with polices DP12 and DP17 that detail requirements with regards to accessibility standards the proposed provides two ground floor flats that could be adapted if required. Parking space P1 could also be adapted to become a disabled parking bay should the need arise. As the development will be owned and managed by Colchester Borough Homes there is the scope and budget to manage the units in accordance with the needs of the occupants.

13.0 Open Space Provisions

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

14.0 Air Quality

- 14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones. Each vehicle parking space will also be conditioned to provided electric vehicle charging points to promote low emission vehicles in the interests of sustainability.

15.0 Planning Obligations

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

16.0 Report

- 16.1 The main issues in this case are:

- The Principle of Development
- Design, scale, form and layout
- Impacts on Neighbouring Properties
- Private Amenity Space Provision
- Trees
- Highway Safety and Parking Provisions (including Cycling)
- Conservation area
- Refuse storage facilities
- Wildlife Mitigate Payment

Principle of development

- 16.1 The application site is within the settlement boundary of Colchester. In terms of the principle of development Core Strategy Policy SD1 seeks to locate growth at the most accessible and sustainable locations in accordance with the settlement hierarchy.
- 16.2 The site is also previously developed land with the former buildings having been demolished. Paragraph 84 of the National Planning Policy Framework (NPPF) states use of previously developed land, should be encouraged where suitable opportunities exist. The Local Development Plan states that Colchester will seek to provide over 80% of housing on previously development land this is to stimulated regeneration, improve accessibility and protect the countryside.
- 16.3 The site is owned by Colchester Borough Council and held in the Housing Revenue Account. The Housing Revenue Account (HRA) is a ring-fenced account where the affordable housing income goes, that can then only be reinvested in affordable housing stock. The HRA is then spent on maintaining and repairing homes, and also for increasing the stock (which then increases the resultant income through rent). Therefore, it is a self-filling account ring-fenced and separate to the Council's General Fund budget.

- 16.4 The site will remain owned by the Council, and these homes are being built for the Council as council-owned affordable homes, held by the HRA. The Council currently owns over 6,000 homes. It is in the process of developing sites that will create approximately 350 new affordable homes, of which this site is one project.
- 16.5 The project is being managed by Colchester Amphora Homes Ltd (CAHL) who have been commissioned to deliver the development. CAHL have been commissioned by the Client Team in CBC. The wider Council Housebuilding Programme was approved by Cabinet in January 2019, and the development of this site as entirely affordable housing, by CBC in partnership with Colchester Amphora Homes Ltd, was agreed at the June 2019 Cabinet meeting.
- 16.6 Colchester Borough Homes is the Council's arms-length management organisation (ALMO). They manage the Council's housing stock, and when these homes are complete, they will be handed over to CBH to find occupiers from the housing needs register.
- 16.7 There are over 3,000 people on the housing needs register, waiting for affordable homes. Providing more affordable homes is a key corporate strategic priority of the Council, because of the demand that exists.
- 16.8 The proposed will create an additional 8 Council owned affordable homes within the settlement boundary, on previously development land in a sustainable location. Therefore, the principle of the scheme is acceptable and welcomed.

Design, scale, form and layout

- 16.9 The NPPF states that new development should make a positive contribution to local character and distinctiveness. Core Strategy Policy UR2 states that infill developments such as that proposed for Military Road should enhance the character, quality and function of an area and should make a positive contribution to the character of the existing locality. Development Plan policy DP1 requires all development to be designed to a high standard.
- 16.10 The Council's Supplementary Planning Document on Backland and Infill Sites applies to this site and therefore the local character of the area has been taken into consideration to inform the massing and elevational treatment of the buildings.
- 16.11 The proposals are for a continuous frontage to Military Road including vehicle access to the rear of the site and with two freestanding dwellings to the rear of the property.
- 16.12 The massing of buildings along Military Road are predominantly 2-storey with occasional 3-storey structures. Therefore, the three-story unit the fronting the road is considered to be acceptable.
- 16.13 The architecture of Military road is eclectic, yet the applicant has demonstrated how the proposed design has been informed by the character of the area.

- 16.14 The elevational treatment fronting Military Road utilizes articulated window surrounds, appropriate brick detailing, quality materials and prominent dormer windows adding interest to the roof line. It is considered that the elevation which is prominent in the public realm is good design and is considered to be acceptable.
- 16.15 The rear elevation of the flats is not considered to be as successful as the front elevation. However, as the rear elevation is not visible from the public realm therefore is considered to be acceptable.
- 16.16 The mews houses have been designed in a way to ensure that the amenity of the neighbouring dwellings is compromised. As a result, the roof forms are not traditional with a stepped roof line. It is considered that the forms of the buildings although unusual, are thought to be acceptable. The houses are located at the rear the plot and not publicly visible from Military Road with limited visibility from the footpath link to Goodey Close. The character of the area is eclectic and therefore the proposed does not adversely impact the character of the surrounding area.
- 16.17 It is considered that the design, scale, form and layout of the proposed is acceptable. It is considered that the front elevation is particularly successful and represents positive contribution to the area.

Impacts on Neighbouring Properties

- 16.18 Policy UR2 of the Core Strategy and Development Policies DP1 and DP13 state that any development must respect existing and proposed residential amenity with regards to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight.
- 16.19 There have been objections received from neighbours expressing concerns with regards to neighbouring amenity.
- 16.20 The proposed has been carefully considered with regards to retaining the privacy of the existing residents. The Mews Houses have no windows on the NE and SE elevations with the expectation of one window that is to be obscured glazed and non-opening, therefore fully preserving the privacy of the dwellings on Winncock Road and Goodey Close.
- 16.21 Concerns have been expressed with regards to the protection of private sitting out area of 62 Military road. There are no side windows on the flat that offer views of the private amenity area therefore the proposed complies with the Councils tests for assessing this issue.
- 16.22 With regards to rear window on the flats and the existing dwellings to the rear of the site the back to back distances are acceptable and comply with policies set out in the Essex Design Guide..
- 16.23 The proposed has also been carefully considered with regards to overbearing impact on the neighbours. A section has been provided through the site to fully assess the topography of the site with regards to the dwellings at Winncock

Road. The results of the section lead to the amendment of the layout of the Mews Houses and the roof forms. The Mews Houses are pulled away from the boundary and the floors are stepped so that the two storey elements of the buildings are at sufficient distances from the adjoining boundaries. It is therefore considered that the proposed will not be unduly overbearing on existing dwellings and is acceptable.

- 16.24 With regards to daylight and sunlight a Shading and Daylight Study has been submitted in support of the application. The report shows that in the afternoon and evening in winter months there is some shadowing of the rear of the properties on Winnock Road. However, on balance the significance of the harm is considered to be minor and could not justify refusal.
- 16.25 The first floor of 56 Military Road is an existing dwelling. There is one side window on the adjoining party wall. It is not clear when the window was installed or whether the window is lawful. Nonetheless, the window is the only window serving the living room of the dwelling. An objection has been received with regards to concerns about loss of light to the living room.
- 16.26 The daylight impact on the existing party wall window to no. 56 Military Road has been shown as part of the application. The Vertical Sky Component (VSC) has been assessed to check daylight impact. VSC is a measure of the amount of sky visible from a centre point of a window. The Building Research Establishment (BRE) guidance for daylight VSC to existing habitable rooms after development is a minimum of 27%. The VSC section submitted shows the relationship of the existing window to the proposed flats and draws a 25 degree line from the centre point of the existing window. All obstructions are beneath this 25 degree line therefore the VSC is over 27%. The shading impact on the existing party wall window to no. 56 Military Road is moderate only, this is due to the set-back plan arrangement of the proposed building and swept back roof line.
- 16.27 56 Military Road has an unimplementable planning approval for the conversion of the ground floor former bike store to a residential dwelling.
- 16.28 With regards to other matters the proposed is considered to improve the security of the site which at present is vacant and therefore at risk of trespass. The location of the parking and the bin stores has been considered to reduce impact in terms of noise, disturbance and pollution with the parking located away from existing residential properties.
- 16.29 It is considered that the proposed is therefore acceptable with regards to impact on neighbouring amenity.

Private Amenity Provision

- 16.30 Development policy DP16 states that for two bedroom houses a minimum of 50m² private amenity space is required. For flats a minimum space requirement of 25m² per flat should be provided communally. The Essex Design Guide states that a balcony or terrace over 5m² will also count towards this requirement.

- 16.31 Mews House Plot One has private amenity space of 49m² which is a small amount under the policy requirement. Mews House Plot Two has private amenity space of 48.5m² which again is below the policy requirement however this is offset by the provision of a front garden measuring 12m² although not private this does provide further usable space. On balance the proposed private amenity for the Mews Houses is considered to be acceptable in this context.
- 16.32 The rear garden of Plot Two is overlooked by an existing dwelling. However, the orientation of the buildings and the existing tall brick boundary wall means that some privacy is achieved. On balance the private amenity provision for the house is acceptable.
- 16.33 There are 6 flats proposed therefore 150m² of amenity space should be provided. The scheme provides 55m² communal space with an additional 19m² provided as private terraces for flats 1 and 2 therefore, a total of 74m² has been provided. Whilst it is significantly below the policy requirement the proposed amenity space has been the subject of much negotiation with the Planning Officer and the Urban Designer. It is considered that the private amenity space provided is highly useable. Also, the site is in close proximity to a Recreation Ground providing offsite amenity facilities. On balance the proposed is considered to be acceptable having regard to the merits of the scheme.

Trees

- 16.34 Development Plan Policy DP1 requires development proposals demonstrate that it will respect and enhance the character of the site, context and surroundings including its landscape setting.
- 16.35 There are no trees on the site however there are within the neighbouring properties. Consequently, an Arboricultural Impact Assessment (AIA) was carried out in support of the application. The report found that there are some trees of low to modest amenity value off site, most of which are B category standard trees. The dominant individual tree species adjacent to the site is Apple, Silver Birch and Plum. All of these trees are protected by means of their location within a Conservation Area.
- 16.36 Retained offsite trees will be fully protected by means of the high brick sturdy boundary wall around the site. Where encroachment into theoretical root protection areas is unavoidable the AIA states that the work should be supervised by a competent and experienced arboricultural consultant. As such there will be condition requiring the Tree Protection Specification, Tree Constraints and Protection Methods, Site Inspection and Monitoring Schedule, Tree Working Schedule, Tree Protection Plan submitted should be fully adhered with.
- 16.37 It is concluded that, subject to appropriate controls, the development can be implemented without undue impact on retained trees. The proposal is considered to be acceptable in terms of its impact on trees in accordance with the relevant adopted plan policy DP1.

Highways and Parking (cycle storage)

- 16.38 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 16.39 CS Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009. Emerging Policy DM22 states that parking should be provided in accordance with the most up to date parking guidance taking into account the following factors:
- A) Levels of local accessibility;
 - B) Historic and forecast car ownership levels;
 - C) The size, type, tenure and location of the dwellings; and
 - D) The appropriate mix of parking types including opportunities for car-sharing (e.g. unallocated, on-street, visitor).
- 16.40 Development Policy DP19: Parking standards states that a minimum of 1 parking space should be provide for each 1-bedroom dwelling and 2 parking spaces for dwellings with 2-bedrooms or more, additional 0.25 spaces to be provided per dwelling for visitors. DP19 also states that a lower standard of parking provision may be acceptable where is can be demonstrated that there is a high level of access to services. It is considered that the proposed is within a highly sustainable area with a high level of access to services. The proposed scheme provides 8 parking spaces this equates to 1 parking space per dwelling.
- 16.41 In support of the application a car parking survey was carried out. The parking surveys where focus on Bob Russell House as a similar development and Goodey Close. The car parking survey concluded that at Bob Russell House's parking stress was low and there were adequate spaces for additional vehicles. At Goodey Close although the stress on the Sunday was relatively high there was still car parking availability.
- 16.42 A secure bike storage area has also been provided adhering to the requirements of DP19.
- 16.43 The car parking survey has provided sufficient information to evaluate the parking stress for allocated parking in the area. The site is in a sustainable location with the bus stop directly opposite the site, nearby local amenities and the town centre being located 0.4 miles from the site. On balance the parking provision proposed is considered to be acceptable and should not give rise to unmet parking need.

- 16.44 The Highway Authority does not raise any concerns in relation to the proposal, and as such is considered to be acceptable in terms of highways safety.

Conservation area

- 16.45 The application site is situated adjacent to boundary of the Newtown Conservation Area, a designated heritage asset. The Newtown Conservation Area is characterised by traditional Victorian residential properties (terraced housing, semi-detached and detached villas) interspersed by (formerly) commercial buildings.
- 16.46 The application site is bounded by the rear gardens of residential properties that are located within the Newtown Conservation Area. There will no significant views of the proposed development from the public domain within the conservation area and, as such, the development will not have an impact on the conservation area.
- 16.47 Therefore, the proposed development is not considered to conflict with the adopted policies and/or national planning guidance. The proposed complies with the Planning (Listed Buildings and Conservation Areas) Act, Section 16, Paragraphs 193, 194, 195 & 196 of the National Planning Policy Framework (NPPF) as well as Core Strategy Policy ENV 1 and Development Plan Policy DP14.

Refuse storage facilities

- 16.48 Adequate secure refuse and recycling store has been provided in a visually acceptable manner.

Wildlife

- 16.49 Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site.
- 16.50 Habitat Sites are protected at the highest level and are of international importance. They are designated through the EU Birds Directive and EU Habitats Directive, and these Directives are transposed into UK law. In Colchester we have the Colne Estuary Special Protection Area (SPA), the Blackwater Estuary Special Protection Area (SPA), Abberton Reservoir Estuary Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC). The three SPAs are also Ramsar sites, which are wetlands of international importance. The Essex Estuaries SAC includes the Colne and Blackwater estuaries. Due to the close proximity of the River Stour, the southern shore of the Stour and Orwell Estuaries Special Protection Area (SPA) is also likely to be affected by development in Colchester.

16.51 Population growth in Essex is likely to significantly affect Habitat Sites through increased recreational disturbance in-combination with other Local Plans. Consequently, in partnership with Natural England, the Government's advisor on the natural environment, and other LPAs in Essex, Colchester Borough Council is preparing a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. The RAMS identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance in-combination with other plans and projects. The RAMS sets out a tariff of £122.30, which applies to all residential development within the Zone of Influence (Zol). The whole of Colchester Borough is within the Zol. All residential proposals within the borough should make a contribution towards the measures in the RAMS to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected and the proposal complies with the Habitat Regulations.

16.52 Therefore, should the application be granted approval a payment of £122.30 per dwelling will be required.

17.0 Conclusion

17.1 To summarise, the revised application will deliver 8 affordable residential units in a sustainable and accessible location. The development will contribute positively towards the Borough's supply of affordable housing. There would be economic benefits as a result of construction activity and the regeneration of a vacant part of Military Road. There is sufficient evidence to conclude that overall the development would not cause significant harm to the amenity of local residents.

17.2 Although, the proposal does not fully comply with local development framework policies with regards to private amenity space and parking on balance the proposal is acceptable.

17.3 In conclusion, it is considered that the benefits of the scheme significantly outweigh any adverse impacts and, as such, Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions provided below.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following 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 Numbers:

2030 DE 20-402 F indexed 18 October 2019,
2030 DE 10 402 E indexed 18 October 2019,
2030 DE 20 401 E indexed 18 October 2019,
2030 DE 20 403 C - Roof Plan indexed 18 October 2019,
2030 DE 30 402 C indexed 218 October 2019,
2030 DE 30 403 C - Mew houses - Sheet 2 indexed 18 October 2019,
2030 DE 30 404 C indexed 18 October 2019,
2030 DE 30 405 C indexed 18 October 2019,
ARBORICULTURAL IMPACT ASSESSMENT indexed 31 July 2019,
2030 DE 10-401 B indexed 18 October 2019.

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

3. ZBC - 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.

4. Non Standard Condition - Highways

Prior to the occupation of the proposed development, the proposed vehicular access shall be provided in complete accord with the details shown in Drawing Numbered 2030/DE10-402/REV E.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

5. Non Standard Condition - Highways

The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

6. Non Standard Condition - Highways

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 12m of the highway boundary.

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

7. Non Standard Condition - Highways

Any new or proposed boundary hedge or vegetation shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety.

8. Non Standard Condition - Highways

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 2030/DE10-402/REV E. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

9. Non Standard Condition Constuction Management Plan

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

10.ZGX - Contaminated Land Part 1 of 4

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,

- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

11. ZGY - Contaminated Land Part 2 of 4

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

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

12. ZGZ - Contaminated Land Part 3 of 4

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

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

13. ZGO - Contaminated Land Part 4 of 4

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

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

14. ZG3 - Validation Certificate

Prior to the first occupation of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 11.

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

15. ZFT*Tree Protection

The development shall be carried out strictly in accordance with Tree Protection Specification, Tree Constraints and Protection Methods, Site Inspection and Monitoring Schedule, Tree Works Schedule and Tree Protection Plan approved in the Arboicultural Impact Assessment carried out by EnviroArb-Solution Ltd. An Arboricultural Consultant shall monitor and periodically report to the LPA in accordance with the Site Inspection and Monitoring Schedule.

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

16. ZCG - Communal Storage areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

17. Non Standard Condition - Demolition and construction

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

18. Non Standard Condition - EV charging

The development hereby approved shall not be occupied until the one electric charging point for all eight parking spaces provided as per drawing 2030 DE 10 402 E has been installed and is operational. All of the electric charging points shall be retained and shall be fully functional at all times.

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

19. ZDC - Removal of permitted development rights

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.

20. ZDF - Removal of permitted development rights – Obscure Glazed and Non-Opening

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window in bedroom 2 of plot 2 shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity up to 1.7m from floor level before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form. Above 1.7m from floor level the window shall be opening and clear glass prior to first occupation and shall thereafter be retained as such.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties and to achieve acceptable living conditions for the occupants of the bedroom.

19.0 Informatives

19.1 The following informatives are also recommended:

1. Advisory Note on Construction & Demolition

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

2. Non Standard Informative - Nesting birds

PLEASE NOTE: It is likely that there will be nesting birds between February and August, vegetation clearance work should be undertaken outside of the nesting season. Should works need to be carried out a pre works survey needs to be carried out by a suitably competent person. Nesting birds are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England, Eastbrook, Shaftesbury Road, Cambridge CB2 8DR, Tel. 0300 060 3787.

3 Highways informative 1:

The applicant should be reminded that the relocation of the street furniture (lamp column) or alterations to the carriageway bus stop markings is not guaranteed and they should engage in discussions with the owners of the street furniture without delay.

4. Highways informative 2:

Informative1: 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

5. Environmental Protection Informative:

No fires to be lit on site at any time.

6. 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.

7. Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.