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**Item No:** 7.4

**Application:** 211588

**Applicant:** Mr & Mrs A Barge

**Agent:** Mr Board

**Proposal:** Application for 1No detached dwelling with detached garage, parking and access

**Location:** Crown House, Crown Street, Dedham, Colchester, CO7 6AG

**Ward:** Rural North

**Officer:** Chris Harden

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it is a Departure from Policy as the site proposed for the dwelling lies just outside the settlement boundary as outlined in the adopted Local Plan.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are policy principle of the proposal along with detailed issues such as the layout and design, impact upon the Area of Outstanding Natural Beauty, and impact upon neighbouring residential amenity, highway safety and vegetation.
- 2.2 The application is subsequently recommended for Approval. In policy principle terms it is considered there are material reasons to warrant a Departure from the adopted Local Plan. The plot is surrounded by dwellings to the North, East and West, with gardens and further dwellings to the South. The dwellings to the North and West were recently approved and constructed beyond the settlement boundary as part of a scheme to provide affordable dwellings. In addition some of these are substantial dwellings that are private housing to fund the affordable housing, which, combined with substantial vegetation almost completely screen the site from wider views. The site is also considered to lie in a sustainable location, being quite close to facilities that are within Dedham. Accordingly given that the site is substantially surrounded by residential development, some of which is recent and there would be no visual harm to the character countryside or AONB and the site is sustainably located, it is considered there are material reasons to allow a Departure to the settlement policy of the adopted Local Plan.
- 2.3 With regard to detailed planning considerations, the site can accommodate the dwelling and garage without appearing cramped. The dwelling is considered to be of an appropriate design, scale and form. There would not be any detriment to highway safety, neighbouring residential amenity or to vegetation or the wider Dedham & Stour Valley AONB..

## **3.0 Site Description and Context**

- 3.1 The site is part of the existing residential curtilage of Crown House and mainly consists of mown grass. It lies just outside the village settlement limits boundary and is within the Area of Outstanding Natural Beauty. It is surrounded by dwellings to the North, East and West, with gardens and then dwellings to the South. There is vegetation on the Southern and Western boundaries and some on the Northern boundary. A public footpath runs to the South between the site and neighbouring gardens.



Figure 1: Hatched area is site, black line is settlement boundary

#### **4.0 Description of the Proposal**

- 4.1 The proposal is for the erection of a detached two storey, 4 bedroom dwelling with detached garage, parking and access.

#### **5.0 Land Use Allocation**

- 5.1 Outside settlement limits. Garden land.

#### **6.0 Relevant Planning History**

- 6.1 Adjacent site:  
 146334  
 21/11/2014 - Full (13 Week Determination)  
 Hallfields Farm, Manningtree Road, Dedham Colchester CO7 6AE  
 Application for demolition of farm outbuildings and erection of 9  
 affordable homes, 8 market homes, associated works and access/parking  
 amendments to App. Refs: 112426/131074  
 Approve Conditional - 04/06/2015

- Rural exception site: Development needs to meet local need based on an approved local needs survey
- Evidence the number of market houses proposed are required to cross subsidise the affordable homes
- The number of affordable units should always be higher than the number of market units
- Consistent standard of design quality and public spaces

#### **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  
SD3 - Community Facilities  
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  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP12 Dwelling Standards  
DP14 Historic Environment Assets  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes  
DP22 Dedham Vale Area of Outstanding Natural Beauty
- 7.4 The site is unallocated.
- 7.5 The Neighbourhood Plan: N/A
- 7.6 Submission Colchester Borough Local Plan 2017-2033:

Local Plan 2017-2033 Section 1- Adopted Feb 2021 and carries full weight

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

### **Adopted Local Plan and Emerging Local Plan Status**

#### **Overview**

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan remains to be examined, with hearing sessions scheduled for two weeks between 20 and 30 April 2021. Section 2 policies must be assessed on a case by case basis in accordance with

NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

The Council can demonstrate a five year housing land supply.

### **Adopted Section 1 Local Plan**

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website [here](#).

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

### **Emerging Section 2 Local Plan**

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.

Section 2 is at an advanced stage having undergone examination hearing sessions in April 2021 and currently undergoing consultation on modifications.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo full and final examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

## **5 Year Housing Land Supply**

Section 1 of the Emerging Local Plan was adopted by the Council on the 1 February 2021 and therefore carries full weight.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

Although the Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan which is still to complete examination. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5 year target of 4,830 dwellings ( $5 \times 920 + 5\%$ ).

The Council's latest published Housing Land Supply Annual Position Statement (August 2021) demonstrates a housing supply of 5,597 dwellings which equates to 5.79 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied) which was calculated using the Standard Methodology. This relates to the monitoring period covering 2021/2022 through to 2025/2026.

The LPA's 5YHLS has been tested at appeal and found to be robust, the most recent cases being on Land at Maldon Road, Tiptree (Appeal Ref: APP/A1530/W/20/3248038) and Land at Braiswick (Appeal Ref: APP/A1530/W/20/324575).

In accordance with paragraph 73 of the NPPF, the adoption of the strategic housing policy in Section 1 of the Local Plan the adopted housing requirement is the basis for determining the 5YHLS, rather than the application of the standard methodology.

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply.

Section 2 Policies:

Policy OV2: Countryside  
Policy DM12: Housing Standards  
Policy DM15: Design and Amenity  
Policy DM16: Historic Environment  
Policy DM19: Private Amenity Space  
Policy DM22: Parking  
Policy ENV4 Dedham Vale AONB

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  
Cycling Delivery Strategy  
Sustainable Drainage Systems Design Guide  
Managing Archaeology in Development.  
Developing a Landscape for the Future  
ECC's Development & Public Rights of Way  
Dedham Vale AONB Management Plan  
Dedham Parish Plan  
Dedham Village Design Statement

## 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 **Landscape Officer states:**

"The landscape content/aspect of the strategic proposals lodged on 11/06/2021 would appear satisfactory for the most part. This provided that, to comply with the requirements of Core Policy ENV1 (under the Colchester Borough Landscape Character Assessment, Area A7):

1 The Planning Officer is satisfied the proposed unit *'is of an appropriate scale, form, design and uses materials which respond to (the) historic settlement character (of Dedham)'*. The Urban Design Officer may be best placed to advise on this requirement.

2 To *'conserve the landscape setting of Dedham'*, in this case when viewing the settlement edge from the highway & PRow network to the east, it is graphically demonstrated that the roofline does not project above and is not higher than the existing principal properties to Saunders Fields. This thereby ensuring the screen planting agreed and implemented to the Saunders Field development (native hedge and hedgerow trees to developments eastern boundary) will be sufficient to also filter screen the proposed unit from the open countryside of the Dedham Vale to the east.

2.0 Conclusion:

2.1 In conclusion; there are no objections to this application on landscape grounds, subject to the above being satisfied.

**8.3 Dedham Vale AONB & Stour Valley Team states:**

“The site lies within the Dedham Vale AONB. The site is located within Dedham village but just outside the settlement boundary of Dedham in both the adopted Local Plan and in the new Local Plan ( Section 2 ) for Colchester.

The AONB team does not object to the principle of the site being developed for residential use.

Residential development has already been permitted further east of the site. The proposed dwelling would be screened in eastern views from the AONB by this recent development. From the south, north and west the proposed dwelling would be viewed in the context of existing buildings in Dedham village. The site is also visually well contained by established mature vegetation growing along all four boundaries to the site which would also help screen the new dwelling. As such impacts on the defined qualities of the AONB are unlikely to be significant and the proposal is not considered to be in conflict with adopted policy DP22 or emerging policy ENV4.

The vegetation bordering the site forms part of a larger green sward that partially defines the character of this part of Dedham. We recommend that as much of the vegetation growing around the site boundaries is retained to maintain this character and to screen the dwelling. This is necessary to conserve the defined qualities of the AONB. If the Local Planning Authority is minded to approve this scheme, any trees or hedges removed to facilitate the development e.g. at the access, should be replaced with appropriate species agreed with Adam John, the landscape officer. This is necessary to enhance the AONB as required by para 172 of the NPPF and to comply with the policy in section 3.2.7 of the Dedham Vale AONB Management Plan 2016-2021 (support development that contributes to the conservation and enhancement of local character).

Opportunities to deliver biodiversity enhancements at the site e.g. bird boxes and bat boxes or bat bricks should be discussed with a qualified ecologist and secured via condition if approval is granted.”

**8.4 Natural England states (precised):**

“It has been identified that this development falls within the ‘Zone of Influence’ (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS);” Advise undertake appropriate Habitat Regulations Assessment. Assess impact upon AONB.



## 8.5 Highway Authority states:

The Highway Authority is advised that the creation of the new vehicular access is dependent upon the Grant of planning permission and the relevant and necessary legal documentation between the land owner and applicants being in place prior to any development taking place at the site which is also likely to be the subject of a planning Condition. The precise location, dimensions of the vehicular access and the provision of a reasonable degree of intervisibility, clear to ground should be included in the legal documentation.

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

- Vehicular access
- No unbound materials.
- Turning area
- Bicycle storage
- Construction management plan
- Informative1: All work within or affecting the highway...

## 8.6 Archaeologist states:

The proposed new dwelling would be adjacent to where prehistoric and Roman remains were found during archaeological investigations in 2015. The present site retains a similar archaeological potential, despite the southern half of the area within the red line being a historic gravel pit. The northern, less disturbed, half of the site is where most new structures likely to impact on archaeological remains will be situated under the proposed plans.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

The following archaeological condition **(Z00)** is recommended:

No works shall take place until the implementation of a programme of archaeological work has been secured....(full condition in conditions section.)

**8.7 Environmental Protection** recommend the following condition:

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

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.

**8.8 Contaminated Land officer states:**

It would appear that this site could be made suitable for the proposed use, with contamination matters dealt with by way of condition. 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\*

**8.9 Tree Officer** : could move garage back or use appropriate tree protection conditions.

**9.0 Parish Council Response**

**9.1 Dedham Parish Council** “have considered this application and taken note of residents’ concerns both expressed in correspondence and in person at its meeting 5 July 21. The Council object for the following reasons:

The site sits outside of the parish building envelope and there are no grounds to make this an exception site which would also be against Local Plan Policies and National Policies regarding the protection of AONB. It is also against the Essex Design Guide. Residents raised a number of valid points which we include in the objection. Over development, loss of trees and wildlife, loss of the right to tranquillity and privacy, congestion from works, damage to common areas. At the meeting residents expressed safety concerns regarding children being able to walk to school as there is no pavement and their own safety due to the area being congested already. It was stated that there had already been a near miss between a pedestrian and a vehicle and that tourists use this area

to park, adding to the issues. It was felt that this development would increase these problems. It is also noted that CBC Planning has received twelve objections from local residents.”

## **10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 **20 letters of objection** have been received which raise concerns about the following issues:

- Loss of our privacy. Less than 15m from common boundary- does not comply with Essex Design Guide. Access opposite front window.
- Loss of views. Blocks sunlight. Visible from footpath 29.
- Devalues property
- Noise and Light pollution.
- Access not on land owned by applicant
- 90 degree bend- highway safety. Narrow road. No footpath- dangerous for children. People already park on road. Access for emergency vehicles.
- Danger to elderly pedestrians. Nearly injured from motorised scooter.
- Visitors could block access to Saunders Field residents.
- Nowhere for workmen to park.
- In AONB and outside settlement limits. No case for allowing development in countryside.
- Mature trees have been felled. Should be replaced.
- Loss of green, open space. Overdevelopment.
- Dust and fumes.
- Drainage and sewage problems.
- Additional buildings in future?
- Contaminated land.
- Services impact.
- Impact upon wildlife.
- Purely for financial gain.
- Height should be lower than dwellings in Saunders Field.

10.3 **One letter** of general observation has been received:

- Proposed site entrance transverses a common area within the Saunders Field development, and it is likely that vehicles supporting the works will drive/park on common areas, will the applicant be responsible for repairing damage to common areas caused by works vehicles? Currently residents of the development pay for maintenance of common areas.
- What conditions put in place to ensure that parking of works vehicles within the Saunders Field development does not impede access/movement of resident, emergency, delivery and refuse vehicles?

## **11.0 Parking Provision**

11.1 At least two car parking spaces plus garaging.

## **12.0 Accessibility**

12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DP17 (Accessibility and Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

## **13.0 Open Space Provisions**

13.1 Not applicable.

## **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.

## **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. A unilateral undertaking has been secured for contributions towards enhancing Community and Sport & Recreation facilities.

## **16.0 Report**

### Principle

16.1 The hierarchical settlement elements of the adopted Local Plan policies SD1 and H1 of the adopted Local Plan and Policy SP1 of the Emerging Local Plan aim to direct such development as this to the most sustainable locations. These settlement policies aim to strictly control development that is beyond the defined settlement boundaries. Accordingly it is considered that as it is proposed to site this dwelling beyond the settlement limits boundary, the proposal is a Departure to the Development Plan and has been advertised as such. It should also be noted that under the Emerging Local Plan, Dedham would not have a settlement limits although Emerging Local Plan Policy OV2 provides that development outside settlement limits needs to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity. These Emerging Local Plan Policies do not carry full weight at this time.

16.2 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case it is considered there are material considerations to warrant a Departure from the adopted Local Plan. The plot is

surrounded by dwellings to the North, East and West, and there are also gardens and then dwellings to the South. The dwellings to the North and West were recently approved and constructed beyond the settlement boundary as part of a scheme to provide affordable dwellings. In addition some of these are substantial private housing dwellings (that funded the affordable housing) which, combined with substantial vegetation almost completely screen the site from wider views. The site is also considered to lie in a sustainable location, being quite close to facilities that are within Dedham. Accordingly given that the site is substantially surrounded by residential development, some of which is recent and there would be no visual harm to the character of the countryside or AONB and the site is sustainably located, it is considered there are material reasons to allow a Departure to the settlement policy of the adopted Local Plan.

16.3 The National Planning policy Framework has a presumption in favour of sustainable development.

16.4 The Council is able to demonstrate a five year housing land supply and as such paragraph 11(d) of the NPPF is not engaged.

#### Layout, Design and Impact on the Countryside and AONB

16.5 In terms of the planning merits of the proposal, it is considered that the scheme represents an acceptable layout and dwelling design that is in keeping with the character of the area and does not represent an overdevelopment of the site. The plot is substantial in size so the dwelling and garage would not look cramped. The design, scale and form of the dwelling is also considered appropriate in this location. It is of similar height to the recently approved private dwellings in Saunders Fields and has elements of traditional form and design including gable widths, roof pitch and fenestration. The materials proposed are also sympathetic to the character of the area, being buff brick, weatherboarding and slate. The garage is single storey and would not be particularly prominent in the street scene.

16.6 As the dwelling would be so well screened by existing dwellings and substantial vegetation and is of an appropriate height and scale it is not considered there would be any significant visual impact upon the surrounding countryside or Area of Outstanding Natural Beauty. There would also not be a detrimental impact upon the amenity of the users of the public footpath close to the Southern boundary of the site.

16.7 It is not considered that the existing garden space is of such significance in the street scene in terms of its amenity value or contribution to the character of the area that would warrant its retention in its entirety and the proposal would therefore not conflict with Policies DP1 and DP15 in this respect. Adequate private amenity space would be provided for the new dwelling and retained for the original dwelling so the proposal complies with Policy DP16 in this respect.

16.8 Overall, in terms of layout, design and impact on surroundings, including AONB, it is considered the proposal would therefore comply with Policy UR2 of the Local Plan Core Strategy which provides that the Borough Council will secure high

quality and inclusive design in all developments to make better places for both residents and visitors.

- 16.9 The proposal is considered to comply with Policy DP1 of the Local Plan Development Policies document adopted 2010 (with selected Policies revised July 2014) which provides that all development must be designed to a high standard and respect the character of the site, its context and surroundings including in terms of layout. Policy DM15 of the Emerging Local Plan has similar provisions. Owing to the quality of design and hidden nature of the site the proposal would not conflict with Policy DP22 which aims to protect the landscape character and qualities of the AONB. Emerging Local Plan policy ENV4 has similar provisions.
- 16.10 The proposal is considered to comply with the provisions of the Backland and Infill SPD and is in general accordance with the Essex Design Guide. It is also considered to comply with the revised NPPF section 12 which promotes well-designed places.

Impact on Neighbour Amenities:

- 16.11 It is not considered there would be a significant impact upon neighbouring residential amenity from the proposal. The dwelling and single storey garage are positioned far enough from the boundaries of neighbouring properties to avoid an overbearing impact. 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.
- 16.12 Similarly, there are no concerns regarding loss of light. 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.
- 16.13 Additionally, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD. With regard to the two first floor openings on the side elevation of the dwelling, these are bathroom windows and a condition can be applied to ensure that openings, including rooflights, are obscure glazed and non-opening where they are not above 1.7 m above floor level. The front facing and rear facing first floor windows look predominantly forward and backwards and the distances from neighbouring property, combined with existing vegetation and also the proposed garage would ensure no overlooking of significance of adjacent properties to the side, front or rear of the site.
- 16.14 The objections received regarding construction works are noted and appropriate conditions can be applied to minimise disruption including a construction management plan and control over hours of working. Environmental Protection have made no objections. It is not considered the use of the access serving a single dwelling would cause an unacceptable level of noise and disturbance.
- 16.15 The proposal would thus comply with Policy UR2 (better places for residents and visitors expected) and DP1 which provides that all development should avoid

unacceptable impacts upon amenity, including the protection of residential amenity with regard to noise and disturbance and overlooking. Policy DM15 of the Emerging Local Plan has similar provisions.

Highway Matters:

- 16.16 The Highway Authority has raised no objection to the scheme subject to conditions which can be applied. Revised plans have been submitted showing the access driveway widened and a condition will need to be applied to ensure the access is in place prior to occupation of the dwelling given that the access land is in separate ownership. Appropriate notices have been served. The access is considered to allow for adequate visibility splays. The proposal complies with Policy DP19, in terms of parking space provision.
- 16.17 The comments received from objectors regarding highway safety have been carefully considered. However, given the fact that the Highway Authority has raised no objections, adequate visibility splays are provided and that one extra dwelling is a relatively minor intensification, it is not considered there is a justification to refuse on highway safety grounds. That includes consideration of danger to pedestrians including adults and children. A Construction Management Plan condition can be applied to ensure construction vehicles access the site in a safe manner and there is room within the site for construction vehicles to park and manoeuvre in the interests of avoiding obstruction in the road.
- 16.18 The Essex Design Guide provides that “The overarching aim is to ensure that in new residential and mixed-use environments, the circulation and movement of people is pleasant, convenient, safe, responds to local context and combines with good place-making. Motorised vehicle movement must efficiently service development without predominating...” It is not considered the proposal contravenes these aims of the Essex Design Guide. It would also not cause a severe impact upon the Highway network, as referred to in the NPPF (para.111).

Impact Upon Vegetation:

- 16.19 It is considered that the proposed dwelling and garage are positioned far enough away from the boundary vegetation to avoid significant impact. Conditions can be applied to ensure appropriate tree protection measures are in place, including protective fencing and foundation detail in a very small area by the garage. In addition, a condition will be applied to agree the precise extent of hard surfacing closest to the East boundary to ensure this vegetation remains unaffected. The submitted Arboricultural Impact Assessment can be an approved document.

#### Wildlife issues:

- 16.20 As the site is not overgrown and is mainly cut grass and no older or timber framed buildings would be demolished it is not considered that a phase 1 Ecological survey is required. Accordingly it is not considered the scheme is contrary to policy DP21 which aims to protect and enhance biodiversity or to Emerging Local Plan Policy ENV1.
- 16.21 In any case, a RAMs wildlife payment has been made as the new dwelling would be created in a Zone of Influence for coastal sites subject to national designations as required by the Habitat Regulations to mitigate any adverse impacts. An appropriate Habitat Regulation assessment has been undertaken.

#### Unilateral Undertaking:

- 16.22 A Unilateral Undertaking is required to be completed in order to secure the required SPD contributions for community facilities and sport & recreation facilities and this has been completed.

#### Environmental and Carbon Implications

- 16.23 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that, on balance, the application can contribute to achieving sustainable development. The site is considered to be in a sustainable location and would minimise carbon emissions from trips generated to access services.

#### Other

- 16.24 Finally, in terms of other planning considerations, the proposed development does not raise any wider concerns. There is no impact upon the character of the Conservation Area which lies some distance to the West and no impact upon the setting of any Listed Buildings which lie further away to the West. An archaeological programme of works condition can be applied. (Policy DP14). The site is not within a flood zone so there is no flood risk issue (DP20).
- 16.25 Relevant contaminated land conditions can be applied as per the recommendation from Environmental Protection.
- 16.26 It is not considered the proposal conflicts with the aims of the Dedham Vale AONB Management Plan, Dedham Parish Plan and Dedham Village Design Statement given that the dwelling and garage would be so unobtrusively located and would not impact the AONB in any significant way.



## 17.0 Conclusion

17.1 In conclusion the proposal is considered acceptable for the following reasons:

- Whilst the site lies outside the Settlement Limit boundary it is considered there are material considerations to warrant a Departure from the adopted Local Plan. The site is substantially surrounded by residential development, some of which is recent and there would be no visual harm to the character of the countryside or wider AONB. The site is sustainably located.
- The site can accommodate the dwelling and garage without appearing cramped.
- The dwelling is of an appropriate design scale and form.
- There would not be any detriment to highway safety, neighbouring residential amenity or to vegetation.

## 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 In accordance with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 349-01-01 (as amended by access block plan), 349-01-04, 05, 06, 07, 08, 09 Rec'd 11.6.21, Arboricultural Impact Assessment Rec'd 23.6.21 349-01-03 Rec'd 8.10.21.

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

### 3. ZBB- Materials As Stated in the 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. Non Standard Condition- Vehicular Access

Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be provided where shown on the amended site plan numbered 349-01-03, constructed to a width of 5.5m 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 all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

#### **5. Standard condition- No Unbound Materials**

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

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

#### **6. Non Standard Condition - Parking/Turning Area**

The development shall not be occupied until such time as the turning area and off street parking has been provided in accord with the details shown in Drawing Numbered 349- 01-03. 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.

#### **7. Non Standard condition - Cycle storage.**

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 that 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.

#### **8. ZPA Construction Method Statement**

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

### **9. ZNL- Programme of archaeological works**

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

### **10. ZFI- Tree or shrub planting**

The development hereby permitted shall not be occupied until details of tree and/or shrub planting and an implementation timetable have been submitted to and approved, in writing, by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

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

### **11. Z00 – Electric Charging Points**

Prior to first occupation of the dwelling, one electric vehicle charging point shall be provided for each dwelling and thereafter retained as such.

Reason: To encourage the use of sustainable transport.

## **12. ZDF- Removal of PD- Obscure Glazing.**

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 1<sup>st</sup> floor side windows on the East elevation shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity both to a level a minimum of 1.7 m above floor level before the development hereby permitted and all shall thereafter be permanently retained in this approved form.

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

## **13.ZCL- Surface Water Drainage**

No works shall take place until details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason: To minimise the risk of flooding.

## **14. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)**

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

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

This must be conducted in accordance with all relevant, current, best practice guidance, including 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

#### **15. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)**

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

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

#### **16.ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)**

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.

#### **17. ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, 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 16.

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

#### **18. ZG3 - \*Validation Certificate\***

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 15.

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

#### **19. ZFS- Tree Protection**

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

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

#### **20. Non Standard condition - Tree Protection and hard surfaces**

Prior to commencement of the relevant works, precise details of the following shall be submitted to and agreed in writing by the Local Planning Authority:

- (i) Foundations of the garage within root protection area
- (ii) Extent of hard surfacing adjacent to the Eastern boundary notwithstanding the submitted details.
- (iii) Access and frontage hard surfacing materials

Reason: In the interests of tree protection and visual amenity.

## **21. Non-Standard Condition- Enclosures**

Prior to their installation precise details of the, siting, design and materials of any screen walls, gates and fences shall be submitted to and agreed, in writing, by the Local Planning Authority. Only the approved details shall be implemented.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

## **22. ZCE Refuse and Recycling Facilities**

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

## **19.0 Informatives**

19.1 The following informatives are also recommended:

### **1. Non Standard Informative – Highways**

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 email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
SMO1 – Development Management  
Essex Highways Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
Essex  
CO7 7LT

### **2. 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.

### **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 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](http://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.

### **4. ZTB - 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.