



Application No: 150115

Location: Garage Site 1, Monkwick Avenue, Colchester, CO2 8NA

Scale (approx): 1:1250

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Committee Report

Agenda item

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To the meeting of **Planning Committee**
on: **25 June 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Andrew Tyrrell

Due Date: 01/07/2015

MAJOR

Site: **Garage Site 1, Monkwick Avenue, Colchester, CO2 8NA**

Application No: **150115**

Date Received: 20 January 2015

Agent: Nps Property Consultants Limited

Applicant: Colchester Borough Council

Development: Variation of conditions 2 (Approved Plans) and 8 (Landscape) of planning permission 131957

Ward: Berechurch

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Colchester Borough Council is the applicants. There has also been an objection to the application which is classified as a major application because it relates back to conditions on a major application that provided over 10 new council-built affordable homes.

2.0 Synopsis

- 2.1 The key issue explored below is the difference between the original proposal and the amended proposal in terms of the comparable highway safety issues and landscaping works (which are also affected by the changes). It is considered that the changes are minor and remain acceptable.

3.0 Site Description and Context

- 3.1 This site was a Council owned garage site that has, since the permission was given for the redevelopment, been cleared of the previous garage buildings and is (by the time of this meeting) completed as residential development.
- 3.2 There are 6 dwellinghouse units and 8 flat units being built on site, in the form of terraced buildings. The properties are all affordable homes built by CBC in order to help find ways to alleviate some of the housing needs register pressures on the Borough.

4.0 Description of the Proposal

- 4.1 The proposal under consideration is the variation of condition to allow new drawings to be substituted that show a different entrance junction arrangement, as well as some changes to the rhythm of the parking spaces and related landscape works. All of these changes are minor in nature and in terms of the overall development. They do affect the area of the site nearest to existing neighbouring properties.

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 The relevant history is application 131957 which was approved by the Planning Committee and permitted the development of the affordable housing units now under construction as part of a wider Council scheme to provide 34 units across 5 sites. This permission was then previously amended (January 2015) to allow for solar panels to be added to the roofs during construction in order to meet Code 4 of the Code for Sustainable Homes (instead of Code 3) under variation reference 146428 which the Committee approved.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) encourages renewable energy as part of the general sustainable development ethos of planning.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

PR2 - People-friendly Streets

TA4 - Roads and Traffic

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP17 Access and Accessibility

8.0 Consultations and Representations

- 8.1 ECC Highways have stated that the Highway Authority does not wish to raise an objection to the above application subject to a condition that no unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. The plans clearly show this is to be hard surfaced in bound materials, it has already been completed as such, and in any case the original permission to which the conditions relate already controlled this so it would not be to be replicated herein (as this permission simply appends onto the original to change the existing condition 2). They also asked for some informatives which are not relevant for the same reasons.
- 8.2 The Landscape Officer has confirmed that they are satisfied with the landscape content/aspect of the proposals and have no objection.
- 8.3 One neighbour (156 Monkwick Avenue) has objected and then sent in 3 later comments. The first of these three responses was prior to receiving additional plans. At that time the neighbours objections stated that they could not see any mention as to the width of the new road beyond the junction with Monkwick Avenue which left uncertainties over the road width within the site and highlighted that the drawings of the junction showed a different layout of the parking bays. They requested these matters be shown in full to allow neighbours to be fully informed of what they were being consulted upon. That request was put to the agents who supplied additional amended drawings of the whole site to address these concerns.
- 8.4 Having seen the new drawings, the same neighbour then replied to state:

“Overall the new proposal looks very good, and earlier concerns about footpath access and planting have been well addressed. Our only objection now is the siting of the proposed new streetlight outside our property - 156 Monkwick Avenue (the proposed location for the light is shown next to the planting area marked 'K' on drawing 142-P6). This light would be directly outside bedroom & landing windows of our house - this has impact on our privacy, as well as adding to general light pollution. We feel that the light there may not be necessary at all if the existing light is to be kept as shown near planting area 'i', along with the new light by planting location 'n'. If an extra light is really necessary however, could it be sited at planting areas 'f' or 'e' instead? We ask that you consider omitting or relocating this light (currently proposed for siting in front of no.156) in the final development.”

8.5 That was then later added to with an additional comments that:

“...we feel we should point out that no's 154 & 156 already have their own low energy exterior lighting installed on the properties, which we find quite sufficient for illuminating the footpath outside our properties - thus further negating the need for installation, and cost of running the proposed street lighting at said location. We have also examined the plans with our neighbour at no. 158, who has also stated that she would rather not have a new lamp installed so close to the front of her property.”

8.6 There was then another comment added later that:

“...in view of historical and, sadly, ongoing problems with motorcyclists using the previous and current temporary footpath as a track for racing around the estate (regardless of pedestrians), we would suggest that a metal (in view of vandalism to nearby wooden ones) kissing gate/ barrier to prevent cycling straight through on the new footpath (between planting areas 'h' & 'i') would be a better use of funds than the streetlight we have mentioned previously.”

9.0 Report

9.1 This is a very minor amendment to the layout of the entrance junction into the former garage site. During the course of construction it became apparent that some of the underground cabling by one of the statutory undertakers was actually in a different place to where they had believed and relayed to the Council at the original application stage. This meant that had the proposed access alignment been laid out these cables would have had to be moved at great expense. Instead, a solution has been proposed which keeps the entrance closer to the former garage site layout, with an alignment within the site changed. The consequence of this is that the parking spaces immediately adjacent the entrance have then had to be sequentially moved to facilitate that entrance change, with some resultant changes to landscape works too.

9.2 Overall, these changes have no real impact or difference in planning merits to the original scheme. Either would be acceptable.

9.3 The comments received from the neighbour have been taken into account as far as they can be. Some of them report views from third parties who have not written into us and as these are unconfirmed they have been given less weight in the writing of this report. Some are also non-planning matters. The objectors states that *“Our only objection now is the siting of the proposed new streetlight outside our property”* but the impact on their amenities has been considered to be acceptable by your officer. Various other comments on neighbours existing lighting and the motorcyclists is noted, however these do not affect the application before us and it is that application that is under consideration. The later matter is a police matter.

10.0 Conclusion

10.1 The variation of the conditions to allow the changes to the entrance is acceptable in planning terms and no material planning consideration has been raised that would warrant a refusal of permission herein..

11.0 Recommendation

- 11.1 APPROVE subject to the variation of Condition 2 and Condition 8 to reflect the new drawings numbers submitted as set out below.

12.0 Positivity Statement

WA1 – Application Approved Without Amendment

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

13.0 Conditions

1 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers set out on the Drawing Register & Issue Sheet submitted.

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

2 - Non-Standard Condition/Reason

With the exception of the changes related to Condition 1 above, the development shall otherwise take place in accordance with the requirements of the conditions of planning permission 131957.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure an appropriate quality of development.