



**Application No:** 160423

**Location:** Hunters Rough, 18 Chitts Hill, Colchester, CO3 9ST

**Scale (approx):** 1:2500

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **28th April 2016**  
Report of: **Head of Professional/Commercial Services**  
Title: **Planning Applications**

**7.1 Case Officer: James Ryan Due Date: 16/05/2016**

**MAJOR**

**Site:** Hunters Rough, 18 Chitts Hill, Colchester, CO3 9ST

**Application No:** 160423

**Date Received:** 15 February 2016

**Agent:** Mr Ross Bain, Vaughan & Blyth Construction Ltd

**Applicant:** Chitts Hill Llp

**Development:** Variation of condition 2 of planning permission 131538 to allow for provision of access to neighbouring field for maintenance purposes.

**Ward:** Lexden

**Summary of Recommendation:** Conditional Approval

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

1.1 This application is referred to the Planning Committee because it is a major with a linking legal agreement and objections have been received.

## **2.0 Synopsis**

2.1 The key issues explored below are the proposed minor change to the scheme approved by Members in February 2015.

### **3.0 Site Description and Context**

3.1 The application site comprises 1.3ha of garden land, much of it the curtilage of the two properties which have consent to be demolished as part of the approved scheme. These are largely open sites having a north and western boundary with gardens of Chitts Hill properties. The southern part of the site has a more wooded character and the entire eastern boundary consists of a strong hedge-line with trees, beyond which lies open meadowland. There are also a number of mature trees just outside the site at its northern end.

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

4.1 A minor amendment to the approved plans for application 131538 is proposed to allow access to the field to the west.

### **5.0 Land Use Allocation**

5.1 The site sits within the settlement limits.

### **6.0 Relevant Planning History**

6.1 The planning history most relevant to this scheme is the approved scheme 131538. This was for the demolition of two dwellings and the erection of 16 new detached dwellings of three and four bedrooms with garages at a density of 21 units per hectare. Access was proposed by way of a new cul-de sac-with entrance off the east side of Chitts Hill between existing dwellings.

### **7.0 Principal Policies**

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

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

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

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

DP1 Design and Amenity  
DP16 Private Amenity Space for Residential Development  
DP19 Parking Standards

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

N/A

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

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

## 8.0 Consultations

8.1 Highway Authority - does not wish to submit an official recommendation.

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

## 9.0 Parish Council Response

9.1 Non-parished.

## 10.0 Representations

10.1 Two representations have been received. These objected on the following grounds:

- The entrance to Hunters Rough is directly opposite the entrance to Holmwood House School.
- The entrance to Hunters Rough is very narrow.
- There are overhanging trees onto the access road to Hunters Rough.
- There is also very well established vegetation on both sides of the access to Hunters Rough.
- Hunters Rough a 'one vehicle' tree and bush lined entrance, the trees and bushes have been growing there over very many years. I fear that if heavy duty traffic uses this access on a regular basis it will result in uprooting this well-established foliage and cause damage to boundary walls and possibly the trees and foliage in my own garden. I also would like you to note that a JCB was using this access today, 26th February 2016, and starting to dig up the ground.

*In response: The points above are of limited relevance for this amendment application which merely seeks to leave a small access point on the eastern boundary of this already consented scheme.*

- There is confusion between the application description and the supporting letter which states a maintenance access to the **west** is required.

*In response: The agent clarified that this was an error and the letter should have noted 'east'.*

- We note that the existing drive to Hunters Rough, 18 Chitts Hill is being used for access by construction vehicles, and although that has been limited to moderately sized vehicles, do you have assurances when a more appropriate access to the site will be available particularly when larger construction vehicles and cranes will be regularly accessing the site?

*In response: The agent has confirmed the following: With regard to use of the existing access to no 18 Chitts Hill, yes we will be using that access whilst we demolish No's 12 and 18 Chitts Hill. We will then construct new sewers, install service mains and construct the new estate road up to base course. The access to No 18 will then be shut off and all access will be via the new road. These works are programmed to be completed by the middle of May. All the material deliveries involved in the civil engineering works will be delivered via the new road and the access road to no 18 should only be used for site personnel and visitors parking until the new road becomes available for general use. The access to 18 Chitts Hill will then be shut off.*

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

## **11.0 Parking Provision**

- 11.1 This minor change retains the same amount of parking as previously approved.

## **12.0 Open Space Provisions**

- 12.1 This scheme proposes no changes to public open space provisions.

## **13.0 Air Quality**

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

## **14.0 Development Team and Planning Obligations**

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

- A linking agreement to the Legal Agreement attached to 131538. It is noted that this has now been signed.

## **15.0 Report**

- 15.1 This scheme proposes a very minor change to the approved layout to allow access to the field to the east for maintenance purposes. This simply involves moving the southern boundary of plot 4 northwards to leave a gap four metres wide for a field access. It sits in a position where there is a section of hedge that was already scheduled for removal.

- 15.2 The agent has clarified that the four metre wide access is needed for the maintenance of the field which is grassed and therefore needs cutting occasionally.

## **16.0 Conclusion**

16.1 The scheme is acceptable and therefore an approval is warranted.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions:

## **18.0 Conditions**

### **1 - Time Limit for Full Permissions**

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

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

### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 567/1C, 3, 5, 11- 35, in addition to all those drawings approved under Planning permission 131538.

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

### **3 - \*Removal/Variation of Condition(s) Approval**

With the exception of condition(s) 2 of Planning Permission 131538 which are hereby varied, the requirements of all other conditions imposed upon planning permission 131538 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition(s) of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

## **19.0 Informatives**

### **(1) ZT0 – Advisory Note on Construction & Demolition**

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

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

### **(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

## **20.0 Positivity Statement**

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.