

Planning Committee Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Thursday, 06 October 2016 at 18:00

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Your Council> Councillors and Meetings>Have Your Say at www.colchester.gov.uk

Audio Recording, Mobile phones and other devices

The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Councillors are permitted to use devices to receive messages and to access papers and information via the internet and viewing or participation in social media is at the discretion of the Chairman / Mayor presiding at the meeting who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A water dispenser is available on the first floor and a vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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www.colchester.gov.uk

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan* 1989) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

- | | |
|--|-------------------------|
| 1. Necessary | 2. Relevant to planning |
| 3. Relevant to the development permitted | 4. Reasonable |
| 5. Precise | 6. Enforceable |

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer's Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction and Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) "single household" shall be construed in accordance with section 258 of the Housing Act 2004.

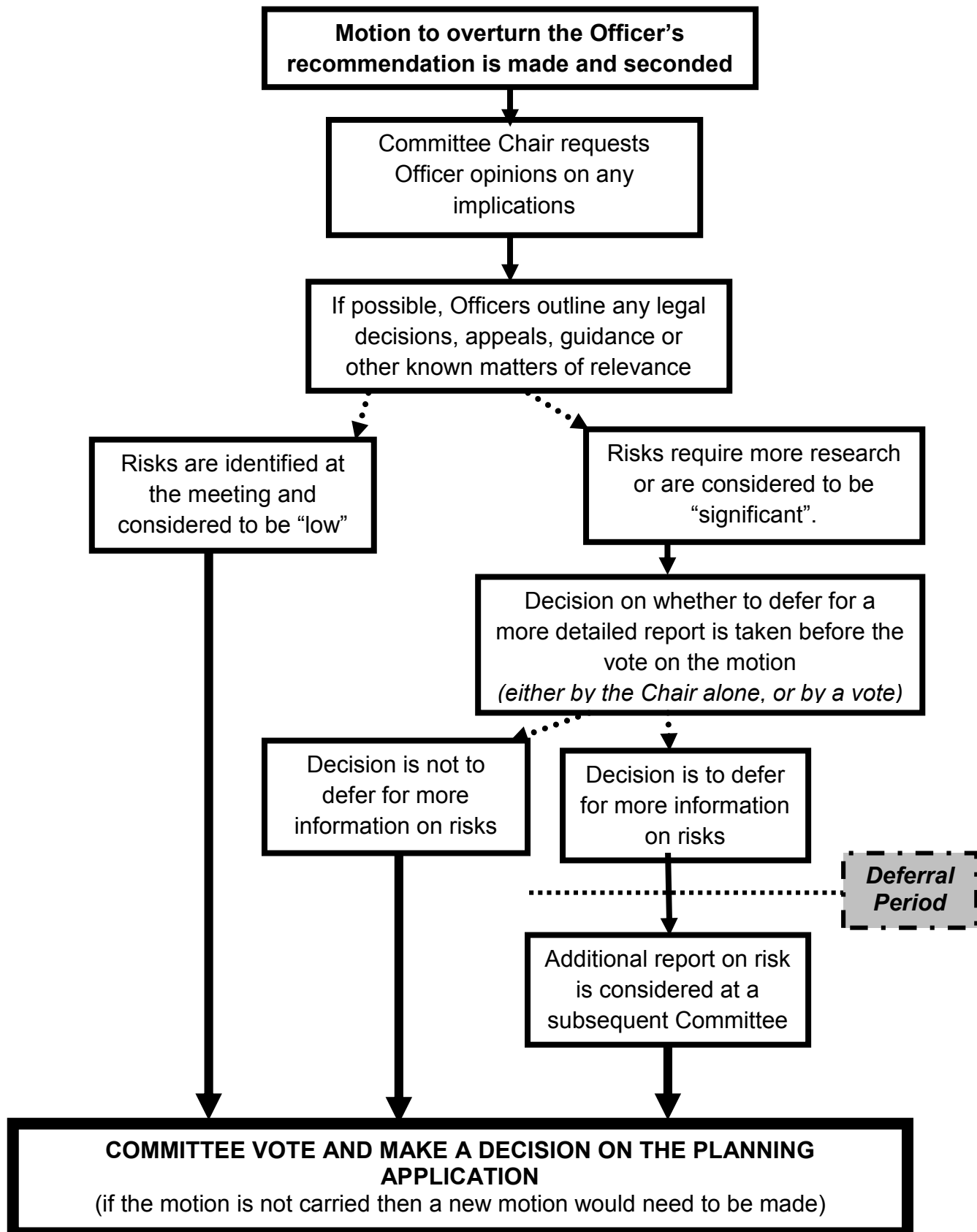
Interpretation of Class C4

For the purposes of Class C4 a "house in multiple occupation" does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 06 October 2016 at 18:00

Member:

Councillor Theresa Higgins
Councillor Cyril Liddy
Councillor Lyn Barton
Councillor Helen Chuah
Councillor Pauline Hazell
Councillor Brian Jarvis
Councillor Derek Loveland
Councillor Jackie Maclean
Councillor Philip Oxford
Councillor Rosalind Scott

Chairman
Deputy Chairman

Substitues:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop:-

Councillors Christopher Arnold, Tina Bourne, Roger Buston, Karen Chaplin, Nigel Chapman, Peter Chillingworth, Phil Coleman, Nick Cope, Robert Davidson, Beverly Davies, John Elliott, Annie Feltham, Adam Fox, Martin Goss, Dominic Graham, Dave Harris, Darius Laws, Mike Lilley, Sue Lissimore, Fiona Maclean, Patricia Moore, Gerard Oxford, Chris Pearson, Lee Scordis, Jessica Scott-Boutell, Lesley Scott-Boutell, Paul Smith, Martyn Warnes, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;

- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of the items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

These speaking provisions do not apply in relation to applications which have been subject to the Deferral and Recommendation Overturn Procedure (DROP).

3 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

5 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest,

the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6 Minutes of 15 September 2016 17 - 22

To confirm as a correct record the minutes of the meeting held on 15 September 2016.

7 Planning Applications

In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

7.1 161976 Hunters Rough, 18 Chitts Hill, Colchester 23 - 28

Variation of Condition 2 (Drawings) on planning permission 131538. (Demolition of two residential units and erection of 16 detached dwellings, garages and access road)

7.2 161819 25 Elianore Road, Colchester 29 - 36

Proposed single storey rear extension

7.3 161930 83 Ernest Road, Wivenhoe 37 - 42

Proposed alterations and extensions

7.4 161860 9 Welshwood Park Road, Colchester 43 - 56

Two storey side and rear extension, first floor extension with new roof and first floor habitable accommodation and single storey side extension involving removal of existing garage, new vehicular access, enlarging existing access and new carriage driveway to front

8 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

Planning Committee

Thursday, 15 September 2016

Attendees: Councillor Helen Chuah (Member), Councillor Pauline Hazell (Group Spokesperson), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson)

Substitutes: Councillor Karen Chaplin (for Councillor Lyn Barton), Councillor Michael Lilley (for Councillor Rosalind Scott)

376 Site Visits

Councillors Chuah, Hazell, Jarvis, Liddy and Loveland attended the site visits. Councillor Higgins attended the site visit to Fingringhoe only.

377 Minutes of 25 August 2016

The minutes of the meeting held on 25 August 2016 were confirmed as a correct record.

378 152493 6-7 Hawkins Road, Colchester

The Committee considered a report by the Head of Commercial Services, in accordance with the Committee's Deferral and Recommendation Overturn Procedure which had been invoked by the Committee at its meeting on 4 August 2016 as there was a suggestion that the Committee may be minded to determine the application contrary to the officer's recommendation in the report. The outline application was for 37 apartments, 2 office units and associated layout, access and parking with all other matters reserved at 6 – 7 Hawkins Road, Colchester.

Bradly Heffer, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

The Principal Planning Officer explained that consideration of the application had been deferred at the meeting on 4 August 2016 prior to the Committee voting on a proposal to refuse the application pending the submission of a further report giving details of the possible implications of refusing the application on the grounds of lack of parking / amenity space, excessive density of development and the potential conflict with existing

commercial uses in the area. The Committee had before it the previous report together with an amendment sheet in which all the information was set out, including a late submission from Robinson and Hall LLP, a part of which referred to dealings with Hamblion Transport, the accuracy of which was vigorously disputed by the Managing Director of that company.

Some members of the Committee sought reassurance regarding the continuing operations of the existing commercial undertakings in the area and the potential for noise and disturbance complaints from future residents leading to restrictions being placed on the conduct of long established businesses in the area. As a means to mitigate this potential, the Principal Planning Officer explained that conditions had been proposed requiring noise attenuation. Additionally, future residents would be aware of the existence and operations of commercial premises in the area.

The Major Development and Projects Manager explained that it was not anticipated that the operations of an established storage company would generate noise levels which could constitute a statutory nuisance and, as such, it was unlikely that restrictions on established commercial operations would be imposed. In response to questions regarding financial implications of an appeal, he further explained that he did not consider there was substantive evidence to support a refusal of the application and, as such, the Council would be liable for costs which could be considerable, bearing in mind the use of Barristers and, ;potentially, Queen's Counsel.

In accordance with the Deferral and Recommendation Overturn Procedure, the Chairman invited the Committee to vote on the proposal to refuse the application. The proposal was lost (NONE voted FOR, EIGHT voted AGAINST and TWO ABSTAINED).

In the light of the additional information presented at the meeting, a Motion to approve the application, subject to the conditions set out in the report, was then proposed and seconded.

RESOLVED (EIGHT voted FOR, ONE voted AGAINST and ONE ABSTAINED) that the Head of Commercial Services be authorised to approve the planning application subject to the conditions set out in the report and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the legal agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for:

- A contribution of £73,032 to be used towards provision of additional primary school places to serve the needs of the development;
- 20% affordable housing provision;
- Repair and ongoing maintenance of that part of the river wall contiguous with the site's frontage onto the River Colne.

379 160103 Former Bus Depot, Magdalen Street, Colchester

Councillor Higgins (by reason of her having expressed a prejudicial view on the application) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination.

The Deputy Chairman, Councillor Liddy, here took the Chair.

The Committee considered a report by the Head of Commercial Services, in accordance with the Committee's Deferral and Recommendation Overturn Procedure which had been invoked by the Committee at its meeting on 17 March 2016 as there was a suggestion that the Committee may be minded to determine the application contrary to the officer's recommendation in the report. The application was for the demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across five blocks of one, two, three and four storeys to provide 230 bedspaces (59 cluster flats and 17 studio flats), communal facilities (to include bin stores, cycle stores, site management office, gym and communal amenity areas) as well as undercroft car park (20 car parking spaces), landscaping and a new public pathway through the site at the former Bus Depot, Magdalen Street, Colchester. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

In view of the date of the previous consideration of the application, all members of the Committee confirmed that they had listened to the audio recording of the Planning Committee meeting on 17 March 2016.

Sue Jackson, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

The Principal Planning Officer explained that consideration of the application had been deferred at the meeting on 17 March 2016 prior to the Committee voting on a proposal to refuse the application pending the submission of a further report giving details of the risks to the Council, the financial implications, possible reasons for refusal as well as advice on whether representations constituted evidence to support reasons for refusal and proposed provisions to be included in an Accommodation Management Plan to address instances of noise, disturbance and littering. The report before the Committee set out the detailed information requested together with the previous report in full and an amendment sheet setting out provisions of the legal agreement which would require revision.

Some members of the Committee sought reassurance regarding the legal status of the Management Plan and acknowledged the potential for the proposal to be a welcome opportunity for the redevelopment of the site.

The Major Development and Projects Manager explained that the proposed use would generate relatively few vehicular movements and, as such, would acknowledge the limitations as a consequence of the site's location in an air quality management zone. In addition, he considered the quasi-residential use proposed and the security arrangements detailed in the Accommodation Management Plan, together with the establishment of a Joint Committee involving ward councillors, would provide a greater level of control than would be true of a typical residential use of the site. He further explained that the Management Plan would be legally binding as it formed part of the Section 106 agreement for the site.

Members of the Committee were generally of the view that the applicants had adequately demonstrated their willingness to address the Committee's concerns in relation to the nearby residents of the Almshouses.

In accordance with the Deferral and Recommendation Overturn Procedure, the Deputy Chairman invited the Committee to vote on the proposal to refuse the application. The proposal was lost (UNANIMOUSLY).

In the light of the additional information presented at the meeting, a Motion to approve the application, subject to the conditions set out in the report, was then proposed and seconded.

RESOLVED (UNANIMOUSLY) that the Head of Commercial Services be authorised to approve the planning application subject to the conditions set out in the original report, as amended in the second report and in the amendment sheet and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the legal agreement is not signed within six months authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for:

- Restrict occupancy to students in tertiary full-time education;
- Agreement to employ an on-site manager(s) and for there to be a 24/7 presence onsite;
- Travel Plan, a Travel Plan Co-ordinator to be employed and Travel Plan to be regularly monitored by the Council;
- Details of an Operational Management Plan (for management of parking on site, loading bay, student arrivals and departures);
- Details of Maintenance Company responsible for all communal areas/refuse areas;
- An Ecological Clerk Of Works to be employed;

- Buses upgrade with a catalytic reduction system;
- Provision of a scheme of CCTV and link to Colchester Borough Council network;
- Upgrade to a bus stop to current Essex County Council specification, including real time;
- Passenger information;
- Pedestrian path from Magdalen Street to Military Road to be available for public use in perpetuity between dawn to dusk (for pedestrian and pedestrians wheeling bicycles) and agreement that this path will not be used as a vehicular through route but only by emergency vehicles;
- Agreement that students will not to be granted residents' parking permits;
- Agreement that those students that are not eligible for an on-site parking space will be required to sign a lease that includes a clause preventing them from bringing a vehicle to Colchester whilst they are living at the approved development;
- Provision of electrical heating;
- Provision of two Electric Vehicle (EV) charging points;
- Provision of mechanical ventilation for units in blocks A and C;
- Prevent use of flat roofs except for maintenance purposes.

380 162005 Land west of Stanway Western Bypass and north of London Road, Stanway

The Chairman, Councillor Higgins, here resumed the Chair.

The Committee considered an application for the removal or variation of condition 8 following the grant of planning permission 150945 at land west of Stanway Western Bypass and north of London Road, Stanway. The application had been referred to the Committee because it was a major application and objections had been received. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

381 161503 Rennie Cottage, Chapel Road, Fingringhoe

The Committee considered an application for the demolition of an ex-domestic outbuilding and replacement with a garage and workshop building at Rennie Cottage, Chapel Lane, Fingringhoe. The application had been referred to the Committee because it had been called in by Councillor Davidson. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

382 161849 1 Line Cottages, Straight Road, Boxted

The Committee considered an application for a front extension at 1 Line Cottages, Straight Road, Boxted. The application had been referred to the Committee because the agent was employed by the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

383 162049 7 Whitefriars Way, Colchester

The Committee considered an application for a single storey extension at 7 Whitefriars Way, Colchester. The application had been referred to the Committee because the agent was employed by the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.



Application No: 161976

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

Scale (approx): 1:1250

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Committee Report

Agenda item

7



To the meeting of

Planning Committee

on:

6 October 2016

Report of:

Head of Professional/Commercial Services

Title:

Planning Applications

7.1 Case Officer: James Ryan

Due Date: 27/10/2016

MAJOR

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

Application No: 161976

Date Received: 28 July 2016

Agent: Mr Ross Bain

Applicant: Chitts Hill LLP

Development: Variation of condition 2 (Drawings) on planning permission 131538.
(Demolition of two residential units and erection of 16 detached dwellings, garages and access road)

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 an objection has been received.

2.0 Synopsis

- 2.1 The key issues explored below are the proposed minor changes 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 were granted consent to be demolished as part of the approved scheme. It is noted that the build is well underway. These were 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 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 the coppicing of a poor quality hedge and the infilling between the gappy sections with new hedge planting.

5.0 Land Use Allocation

- 5.1 The 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. Application 160423 varied the plans condition to allow for a new access to the field beyond the site.

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 Highways Agency – no objection.

- 8.2 In-house Landscape - The landscape content/aspect of the proposals lodged on 02.08.16 would appear broadly satisfactory, however as a minor amendment a dark stain 1.8m high dark stain hit & miss fence, or 1.8m high willow weave hurdles, should be proposed along the now exposed boundary, this in order to screen the development (rear gardens) in the medium term and thereby help protect the exposed and vulnerable rural edge whilst the coppice stools regenerate.

- 8.3 In-house Tree Officer – no objection.

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 One representation was received however this appeared to relate to the original (131538) wider scheme and noted the impact on trees in the site, the impact on ecology and possible loss of privacy to the dwellings on Chitts Hill.

In response: This amendment application only relates to the coppicing of the rather gappy hedge on the eastern boundary. This is the boundary with the open field and not the residential properties that front onto Chitts Hill. It is not held to be materially harmful to protected species.

In addition to the details reported above, the full text of all consultation responses 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 produced and signed.

15.0 Report

- 15.1 This scheme proposes a very minor change to the approved drawings to allow the removal of the gappy hedge on the western boundary to allow for a new hedge to be planted.
- 15.2 The in-house Landscape Officer has asked for a fence to be put in place behind the new hedge to prevent views of the gardens and the associated domestic items in wider landscape terms. The applicant has confirmed that they will construct a 1.8m high willow weave hurdle panel fence along the eastern boundary of the site.
- 15.3 The applicant has confirmed that the hedge will be coppiced shortly after approval is received from the Council and therefore it will be well outside of the nesting bird season. The scheme raises no other material ecological issues.

16.0 Conclusion

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

17.0 Recommendation

APPROVE subject to the following conditions:

18.0 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 567/1D, 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.

2 - *Removal/Variation of Condition(s) Approval

With the exception of Condition 2 of Planning Permission 131538 which is 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.

3 - Non-Standard Condition/Reason

Prior to occupation of any of the dwellings on site, the works and planting on plan 567/1D and in the supporting statement from Hayden's dated 27/06/16 shall be completed and a 1.8m willow weave hurdle fence shall be installed on the domestic garden side of the coppiced and replanted hedge. Any new planting that dies within five years shall be replanted.

Reason: To ensure the works as applied for are carried out in a timely manner and to ensure that the willow weave hurdle fence is installed in the interests of the preservation of the landscape.

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.

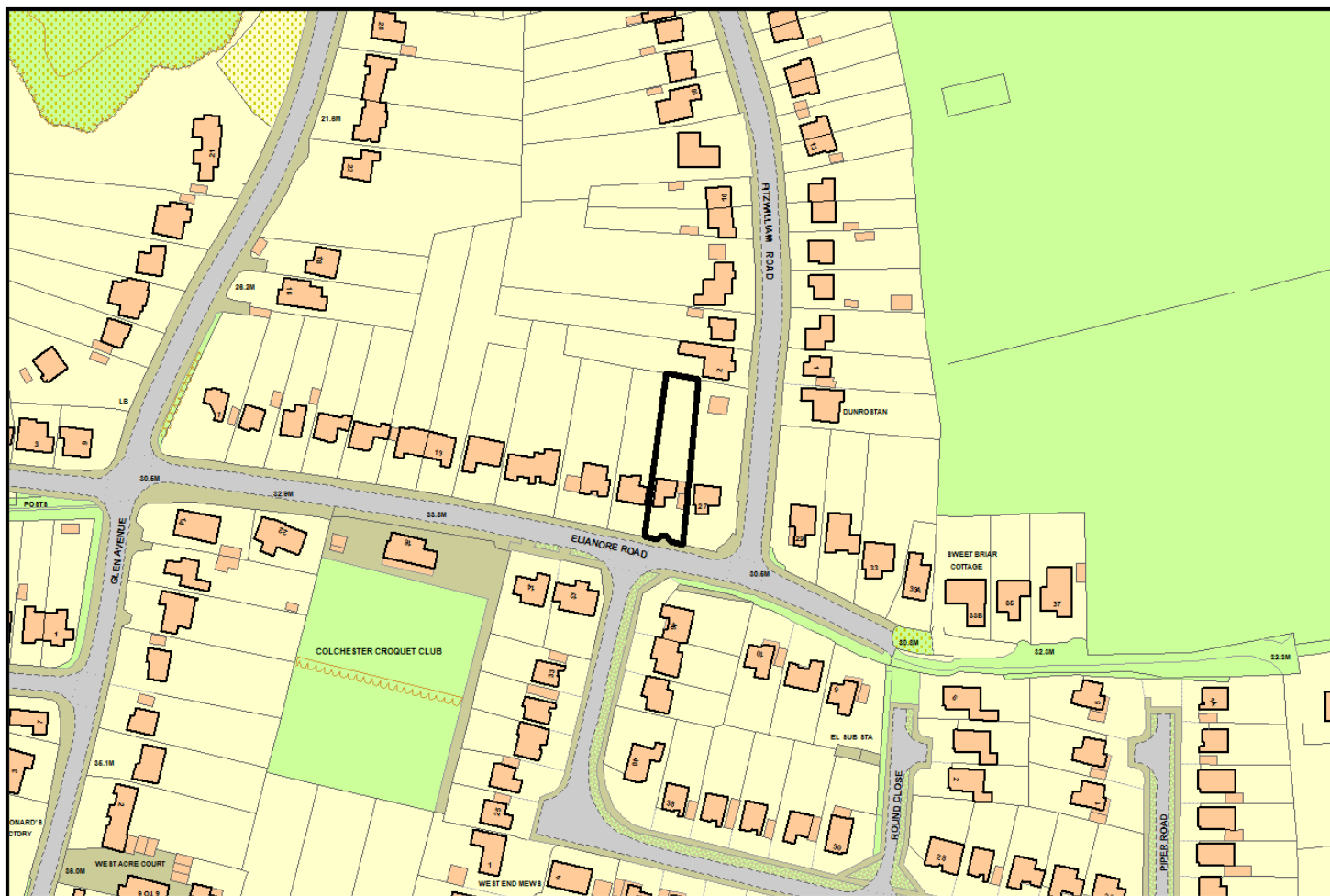
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 161819

Location: 25 Elanore Road, Colchester, CO3 3RX

Scale (approx): 1:1250

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7.2 Case Officer: Ishita Sheth

HOUSEHOLDER

Site: 25 Eliaore Road, Colchester, CO3 3RX

Application No: 161819

Date Received: 25 July 2016

Agent: Mr Andrew Feasey

Applicant: Mr & Mrs Keane

Development: Proposed single storey rear extension.

Ward: Lexden & Braiswick

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 was called in by Councillor Lewis Barber because of the following:

Neighbour concerns that the proposed extension does not go off the original rear wall of 25 Eliaore Road but from a previous extension. The result will be, alongside the higher ground of this house, an unreasonable detrimental impact upon the amenity of the home.

2.0 Synopsis

- 2.1 The key issues explored below are the impact the scheme will have on neighboring amenity.
- 2.2 It is concluded that the scheme is acceptable and approval is recommended.

3.0 Site Description and Context

- 3.1 The application site is located on the northern side of Eliaore Road and is occupied by a two storey detached dwelling. The neighbouring dwelling to the east No. 27 has the provision of a two storey rear extension that extends some 3.65m beyond the rear wall of the application dwelling. The neighbouring dwelling to the west No. 23 has a two storey rear extension which extends some 1.8m beyond the rear wall of the application dwelling.

4.0 Description of the Proposal

- 4.1 The proposal seeks to provide a single storey flat roofed rear extension having a maximum depth of some 6m, a width of some 9.8m and a maximum height of some 3.35m from the ground level. A roof lantern is proposed above the proposed flat roof of the extension.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 None

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

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development

7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
Extending Your House?
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 No statutory consultations were undertaken

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 1 neighbour has objected to the proposal and makes the following comments

- The plan to extend so close to the boundary (the extension being just 0.6 metres from the boundary) and approximately 7 metres beyond the main rear wall of our house is well outside the guidance within the CBC booklet, "Extending your home"
- Application no 161285 was indeed refused on our primary objection that part of the proposed extension was indeed not off the original rear wall of 25 Elanore Road but from the converted garage/extension.
- No objection to a further extension to 25 Elanore Road but that the proximity of the proposed extension to the boundary, coupled with the significantly higher ground level of 25 Elanore
- Road, meant that the proposal has an unreasonable detrimental impact upon the amenity of our home.
- To avoid repetition, we ask the council to have regard to the objections set out in our response to the previous application 161285 which can be seen on the Council's website.
- An extension that could be built under permitted development rights is the appropriate approach.
- Overshadowing
- Overbearing
- Visual intrusion
- Over-cramming and inharmonious design with house and area
- Overdevelopment of site
- Loss of residential amenity

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

11.0 Parking Provision

11.1 There are no implications in respect of car parking provision.

12.0 Open Space Provisions

12.1 There are no implications in respect of 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 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The most significant planning issues are the design of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy.

The proposed extension is of a flat roofed design with a roof lantern above which is not of any architectural merit. However, by virtue of its location to the rear, it is not considered that the proposal would result in any detriment to the character of the area or the streetscene.

The proposed extension has a depth of some 6m which is considered to be significantly deep. However, consideration has been given to the relationship of the application dwelling to the neighbours and also on whether the proposed extension would result in significant harm to its immediate neighbours.

The proposed single storey extension would extend by some 2.35m beyond the existing two storey rear extension at the neighbouring dwelling to the east No. 27 and by some 4m beyond the two storey extension at the neighbouring dwelling to the west No. 23. It is not considered that the proposed single storey extension would result in any significant dominance or overshadowing issue to these neighbours.

Whilst a neighbour has raised concern about the proposal not being in compliance to the guidance in ‘Extending your Home’, it should be noted that the guidance refers to the ‘main rear wall’ of the dwelling and not the ‘original rear wall’. The main rear walls of the neighbouring dwellings are therefore the existing rear walls of the two storey extensions at the neighbours. An extension having a depth of 3m can be built right up to the boundary wall under the circumstances. The proposal would retain an isolation of some 0.65m from the eastern boundary and this is considered acceptable.

The proposed extension would extend some 4m beyond the rear wall of the dwelling at No. 23; however an isolation space of some 1m is proposed to the western boundary.

Overall it is therefore considered that the proposal meets the criteria as set out in the aforementioned guidance.

Whilst it is noted that the proposed extension cannot be carried out under permitted development rights, this only means that a formal planning application for the proposal is required and such development can still be approved based on a proper evaluation.

Furthermore, it should be noted that the dwelling at No. 27 Elianore Road currently extends at two storey level by some 3.6m beyond the rear wall of the application dwelling. The proposed extension would only extend by some 2.35m at a single storey level. Even if the elevated position of the application dwelling is considered, this would not be to an extent of a two storey extension.

Taking into consideration the above matters, it is not considered that a refusal on the basis of the extension being overbearing to the neighbours could be successfully sustained on appeal.

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.

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 and the Extending Your House SPD.

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.

The proposed development would still retain a garden area of some 270m² and it is not considered that the proposal is an overdevelopment of the site.

Finally, in terms of other planning considerations (e.g. damage to trees or highway matters), the proposed development does not raise any concerns.

16.0 Conclusion

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

17.0 Recommendation

APPROVE subject to the following conditions:

18.0 Conditions

1 - Non-Standard Condition/Reason

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 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 102 Rev C and 103 Rev A.

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

3 - Non-Standard Condition/Reason

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area

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.

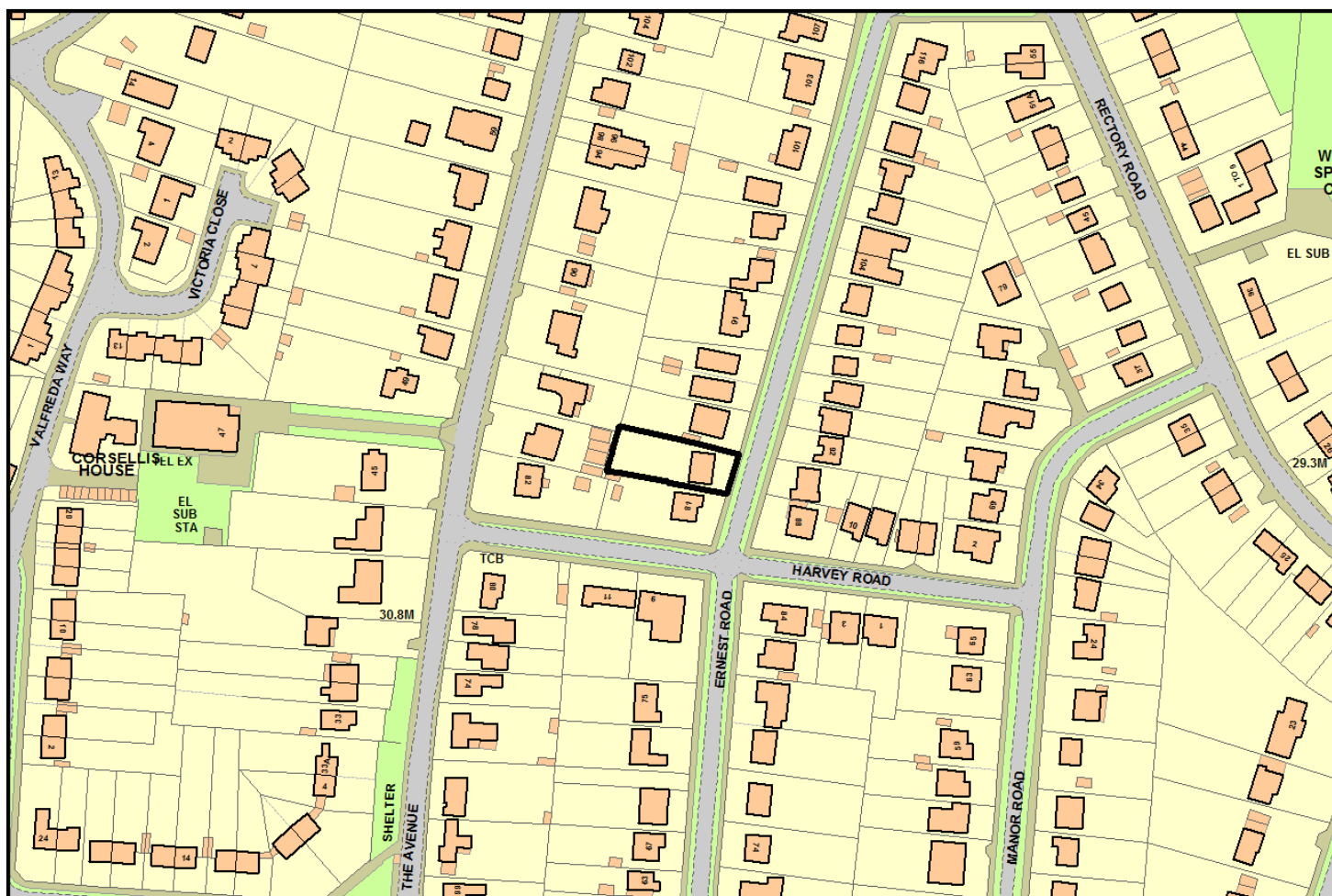
(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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.

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.

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.



Application No: 161930

Location: 83 Ernest Road, Wivenhoe, Colchester, CO7 9LJ

Scale (approx): 1:1250

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7.3 Case Officer: Chris Harden

Due Date: 07/10/2016

HOUSEHOLDER

Site: 83 Ernest Road, Wivenhoe, Colchester, CO7 9LJ

Application No: 161930

Date Received: 28 July 2016

Applicant: Mr & Mrs Robert And Hannah De La Rue

Development: Proposed alterations and extensions

Ward: Wivenhoe

Summary of Recommendation: Conditinal Approval

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issues explored below relate to design and amenity. It is held that both of these matters are satisfied. No objections have been received and approval is recommended.

3.0 Site Description and Context

- 3.1 The site contains a single-storey dwelling which already has rooms in the roof and a rear facing dormer and side rooflights. It lies within an estate of similar properties. It is a varied street scene and the neighbouring property to the South has front dormers.
- 3.2 The dwelling lies within a predominantly residential area where development such as that proposed is considered to be acceptable in principle and judged on its planning merits. There is no recent site history that is particularly relevant to the decision regarding this proposed development.

4.0 Description of the Proposal

- 4.1 The proposal is for the extension of the rear part of the existing roof to provide an enlarged bedroom with a rear-facing first floor window, plus a single-storey rear extension, front porch and two quite small front dormers.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 F/COL/04/0179 – Loft conversion. Approved 29th March 2004.

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
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New 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:
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Wivenhoe Village Design Statement

8.0 Consultations

- 8.1 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 Wivenhoe Town Council: No material planning objections apart from views of neighbours to be taken into consideration.

10.0 Representations

10.1 None.

11.0 Parking Provision

11.1 Parking will not be affected

12.0 Open Space Provisions

12.1 n/a

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 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 Design: The design, scale and form of the alterations is considered satisfactory on its own merits. The additional roof area would sit quietly to the rear of the property, as would the single-storey rear extension.

15.2 The front porch, whilst quite large would still be visually acceptable in this context. The dormers on the front are small and would be visually acceptable in the roof.

15.3 Overall the development is visually acceptable and would not detract from the appearance of the original building or character of the street scene. Consequently the design and layout do not harm the surrounding area either.

15.4 Amenity: Owing to the distance of the works from the neighbouring property and their scale, the proposed development would not appear overbearing on the outlook of neighbours. 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.

15.5 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Councils standards for assessing this issue as set out in the Essex Design Guide and the Extending Your House guide.

15.6 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.

There is already a rear facing dormer and the two replacement windows would not increase overlooking.

15.7 A condition relating to the two extra side rooflights can be applied to ensure no overlooking.

15.8 Other Matters: Finally, in terms of other planning considerations (for example, damage to trees or highway matters), the proposed development does not raise any concerns. No vegetation would be affected and the existing hard surface at the front of the property would still provide adequate parking. There would still be adequate rear private amenity space.

15.9 The proposal would not conflict with the aims of the village design statement.

16.0 Conclusion

16.1 In conclusion, the proposal carries no concerns in terms of design and amenity and is hereby recommended for approval.

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: 01, 02, 05 and 06 received 1.8.16.

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

3 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4 - *Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)

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 new rooflights in the North and South elevations shall have either their bottom cills a minimum of 1.7 m above floor level or be bottom-hung and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and 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.

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.

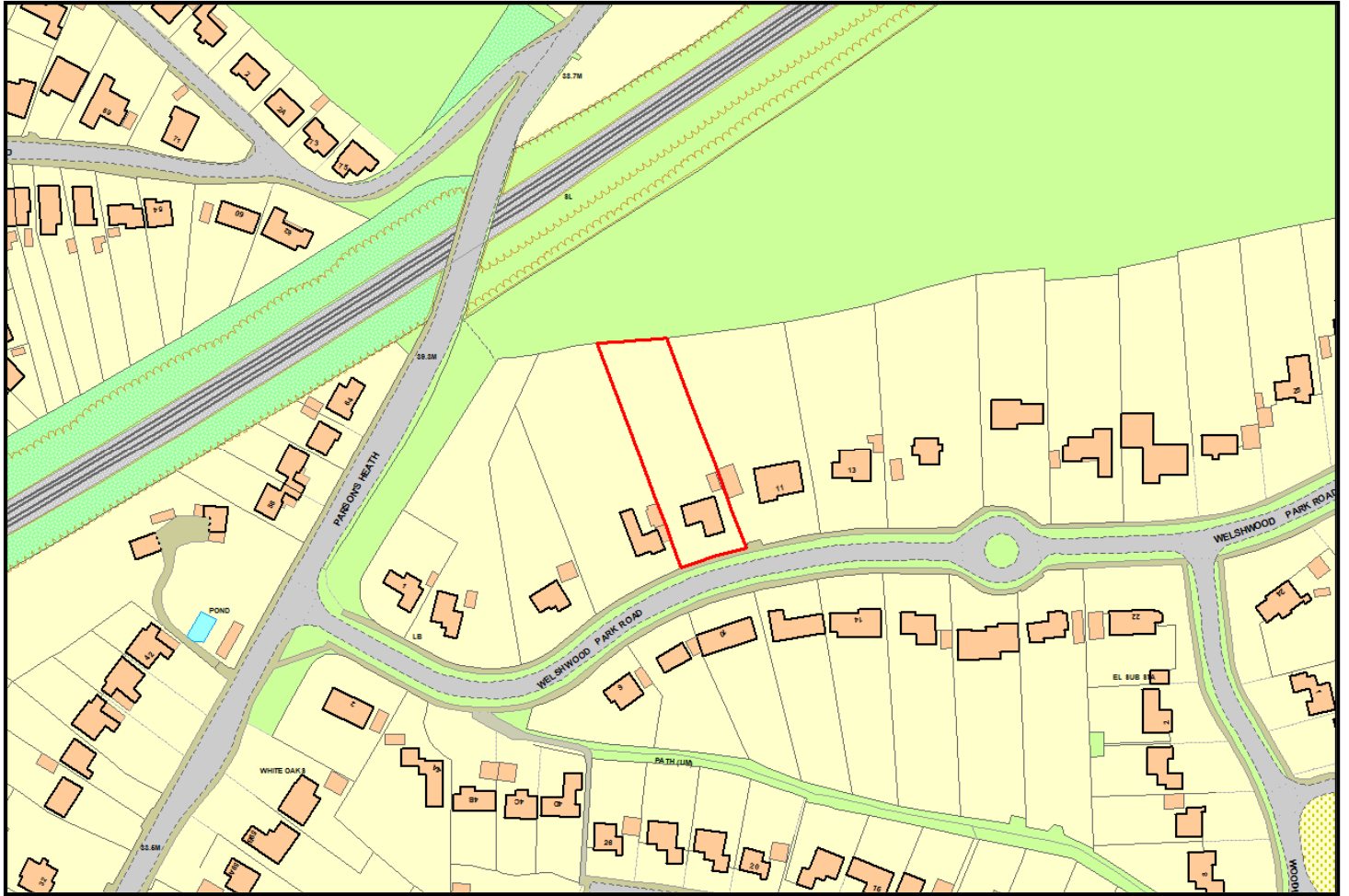
(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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.

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.

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.



Application No: 161860

Location: 9 Welshwood Park Road, Colchester, CO4 3JB

Scale (approx): 1:1250

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7.4 Case Officer: Eleanor Moss

Due Date: 07/10/2016

HOUSEHOLDER

Site: 9 Welshwood Park Road, Colchester, CO4 3JB

Application No: 161860

Date Received: 19 July 2016

Agent: Mr Patrick McHugh

Applicant: Mr Jared Doouss

Development: Two storey side and rear extension, first floor extension with new roof and first floor habitable accommodation and single storey side extension involving removal of existing garage, new vehicular access, enlarging existing access and new carriage driveway to front

Ward: St Anne's & St John's

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 Councillor Smith has called it in on the grounds that the proposal is out of character with the surrounding area.

2.0 Synopsis

- 2.1 The key issues explored below are the principle of the development, the design and layout of the scheme, the impact it will have on protected trees and the impact the scheme will have on neighbouring amenity.
- 2.2 It is concluded that the scheme is acceptable in terms of design and amenity and approval is recommended.

3.0 Site Description and Context

- 3.1 The application site comprises the plot of a single-storey bungalow. It is situated to the west of Welshwood Park Road, with the highway fronting the existing bungalow. It has a large plot, which is very typical for Welshwood Park. The existing bungalow takes its access from Welshwood Park Road and this is unchanged within the proposal. To the east of the site is a detached two-storey chalet bungalow (No. 11 Welshwood Park Road) which contains a single storey garage adjacent to the application site. To the west is a detached two storey dwelling of render construction (No. 7 Welshwood Park Road).

- 3.2 Welshwood Park is a unique residential development on the northern edge of Colchester, within the defined settlement boundary. Originally woodland, individually designed houses on very large plots were built from the 1940s onwards, retaining a very low density and sylvan character.
- 3.3 Although there is low density of houses within the area, there are a number of properties which have extended considerably over the years, whilst still retaining a unique character. A very wide variety of architectural styles is expressed in the locality, and as such there is no one prevailing style or design for new development to adhere to. Many have an 'Arts and Crafts' style, although they are later builds that that period usually refers to. Others express more modern pieces of individual architectural expression. One or two have very little architectural worth. The application site is situated between two-storey detached dwellings, each of varying character. Whilst the application site is a single-storey bungalow, the plot is very large and as such would be capable of supporting extensions and alterations. The application site is currently in a state of disrepair and requires some care, as currently the appearance detracts from the street scene.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission to create a larger dwelling; this comprises a first floor extension and two-storey side and rear extension. It is worth noting that the proposal has been amended since the original application, the amendments are as follows:
- Removal of balcony to the rear and replacement with Juliet balcony. (NB: It is not possible for future occupiers to stand out on the Juliet balcony);
 - Removal of BBQ outbuilding which was originally located within the rear garden;
 - All first floor side-facing windows (these serve bathrooms and a dressing room) are obscure glazed;
 - Amended access, original access arrangements are now to be retained. Improvement of turning area to the front.

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 None relevant to this application.

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
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
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:
Vehicle Parking Standards
Extending Your House?
The Essex Design Guide

8.0 Consultations

- 8.1 Highways Authority

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and 2.4 metres by 43 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

INF03 Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

8.2 Tree Officer

With reference to aforementioned application I would like to make the following comments:

1.0 Survey and Analysis

1.1 Regarding the proposed development and Landscape Planning Ltd Arboricultural Implication Assessment (Doc Ref: 68966):

1.2 I am in agreement with the conclusions provided in the report. I note that the second driveway/crossover access has been removed thereby reducing the impact on the adjacent street tree (T2) and making the application acceptable.

1.3 The report notes that a proprietary ground protection system will be used in several locations. Details of the installation of this system and all other arboricultural works/protection need to be provided in the form of a site specific arboricultural method statement, however, this information can be provided post permission should the application be successful.

1.4 Site monitoring throughout the duration of the development and supervision at key stages will also be required, details of which can also be conditioned.

2.0 Conclusion

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

3.0 Recommendation

3.1 Agreement to the landscape aspect of the application subject to condition

4.0 References:

4.1 Local Plan Policies - DP1; Core Strategy Conditions ENV1

5.0 Recommended Landscape Conditions:

ZFQ - Tree and Natural Feature Protection: Protected Areas

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall 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.

ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, 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, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

ZFT - Tree and Hedgerow Protection: General

No works or development shall be carried out until a site specific Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

ZFU - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

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 A number of objections have been received during the determination of this application, some of which were submitted prior to the amendment of the scheme. The objections are summarised as follows:

1. Proposal out of character with the area
2. Overdevelopment
3. Concerns regarding BBQ area
4. Impact on neighbouring amenity due to balcony to the rear
5. Previous refusal at No. 7 Welshwood Park Road for extensions under F/COL/04/1489
6. Loss of privacy due to side facing windows

In response:

1. As noted by a number of residents, Welshwood Park Road is made up of dwellings which are described as 'unique'. The character of the area is described in paragraph 3.2 above, however this report will detail the merits of the scheme, including design, appearance and impact on surrounding area.
2. A number of properties within the area are two storey in height and occupy a large width of the plot. In this instance, the proposed dwelling is wide, however there is still over a 1 metre retained at two storey height which is in compliance with the Council's aforementioned SPD 'Extending Your House?'. The plot is able to support an extended dwelling as there is ample amenity space, and the extended dwelling would not appear overdeveloped or out keeping in this context. This will be covered in more detail within the report below.
3. BBQ area has been removed from the scheme.
4. Balcony which allowed future residents to stand out on has been removed from the scheme.

5. Planning Policy has moved on considerably since the refusal of F/COL/04/1489 in 2004. The most notable change is the introduction of the National Planning Policy Framework in 2012 which states the following:

'The purpose of the planning system is to contribute to the achievement of sustainable development' and...

Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

As such, the previous refusal does not set a precedent. Equally the granting of planning permission does not set a precedent as any planning application is determined on its own merits.

6. Side facing windows are to be obscure glazed and as such does not offer any opportunity to overlook the neighbouring properties.

- 10.2 Subsequent to amended plans being submitted, further objections had been received at the time of writing (23rd September). The occupiers of number 33 Welshwood Park Road and 17 Deben Road have objected to the proposed scale, the latter also objecting to the inadequacy of the proposed garage. The residents' association has commented that it is pleased that some of the objections have been addressed, however it still objects to the proposed size and the proximity to the boundaries. Further, it is concerned at the loss of light to number 11 due to the roof height of the proposed extension of the right wing.

- 10.3 Any further comments up to the consultation deadline (29th September) will be reported on the amendment sheet.

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 scheme provides off-street parking spaces and a garage of a size that exceeds current car parking standards.

12.0 Open Space Provisions

- 12.1 N/A

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 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 Design and Layout

- The application site is situated adjacent to a number of two-storey dwellings and chalet bungalows which provide accommodation on the first floor, and are the height of a modest two storey-dwelling. Most of the dwellings within the area are wide in appearance, with the front elevations occupying a lot of the frontage and the depth of the dwellings being narrower. As noted above, there is very wide variety of architectural styles expressed in the locality and as such there is no one prevailing style or design to adhere to for new development.
- 15.2 The proposed plot is in keeping with the existing garden sizes within the area and would be able to support an extended dwelling without appearing cramped. Although there is a prevalence of wide, two-storey dwellings, the area is mixed in character and a variety of dwelling types could be introduced without necessarily harming the character. A two storey building within this area, as proposed, would be in keeping with the area in the sense that it is distinctive in design and has the widest part of the dwelling fronting the highway. It is not considered that the proposed dwelling would have a negative impact upon the street-scene when viewed from the public realm.
- 15.3 The application site is within the defined settlement limits where there is a presumption in favour of the development. The proposed design has more of an executive character than the ‘Arts and Craft’ style of the existing bungalow. However, there are a number of modern and executive dwellings within the area and as such the proposed alterations would not appear out of keeping within the local context. Although the extension would result in a two-storey dwelling adjacent to a large chalet bungalow, this is not harmful in itself as older houses frequently appear within rows of ribbon development that has developed alongside them. The designs are not unattractive and the form, proportions and detailing are consistent with each other.
- 15.4 The plot size would be in keeping with the local norm and would benefit from amenity space well in excess of adopted standards and surrounding area. From a public perspective, the development would not appear uncharacteristically out of proportion as a generous frontage will be retained.
- 15.5 There is a clear building line to follow along Welshwood Park Road, although the existing dwellings have frontages of various depths. That said, the scheme retains the original footprint of the bungalow and as such adheres to the building line within the area and sits readily within the frontage, in addition the frontage presents the opportunity for new planting that would soften and ultimately partially screen the site. Additionally, the oak tree to the front of the dwelling is to be retained and as such would soften any alterations to the property.

- 15.6 Concerns have been raised with regard to the height of the extension. Although the proposal would create a two-storey dwelling, the submitted drawings illustrate a dwelling which would not be significantly higher than No.7 or No. 11. The proposal is considered to be in keeping with the property heights in the area and would not have an adverse effect on the street scene.
- 15.7 Impact on Surrounding Area
Welshwood Park Road is a residential area mainly characterised by two-storey residential properties which have been designed to appear individually unique and distinctive, and varied in terms of style and design. The application site itself is large and could accommodate the proposed development comfortably. It is considered the proposed development would not have any adverse impact on landscape character, the setting of the site and the wider area.
- 15.8 Impact on Neighbouring Properties
Guidance in the Supplementary Planning document 'The Essex Design Guide' is that a 45 degree angle from the mid-point of windows is required in order to preserve outlook. 'Extending your house' requires a combined plan and elevation 45 degree zone of protection to be preserved. This proposal complies with both of those tests.
- 15.9 The proposal has been designed and amended so as to minimise harmful impacts on neighbours' amenities. Although there are first-floor, side-facing windows which serve bathrooms and a dressing room, these are obscured glazed and will be conditioned as such to protect residential amenity in perpetuity.
- 15.10 The proposed first floor extension is set away from the side boundary with No.7 by one metre and No.11 by 1.8 metres. It would, however, be sited over six metres from No.11 due to the physical separation of the two properties. Due to the positioning of No.11's detached garage within the rear garden and along the side boundary with the application property. It is considered, however, that the proposed extension would have little or no impact upon the occupiers of No.11.
- 15.11 The rear gardens of the properties on this side of Welshwood Park Road are west-facing. As stated above, the extension would be positioned one metre away from the side boundary with No. 7. The proposed first floor extension would, however, be sited over two metres from No.7. That house contains a single-storey utility room and garage which is adjacent to the application site boundary. As such, any impact felt by the occupiers of No.7 would be from within the garage and utility room which are not classed as protected habitable rooms. Due to the orientation of the property's rear garden any potential impact on the occupiers of No.7 would be felt in the mid-morning.
- 15.12 Due to the two metre distance involved between the proposed extension and No.7, however, it is considered that any loss of light to No.7 would be negligible. Furthermore, a hedge exists along the shared boundary between the application property and No.7 and to the side where the extension is proposed. It is considered that the hedge would further preclude any impact on the occupiers of No.7. Much of the impact in terms of loss of light or overshadowing from the proposed extension would fall on the application property itself as the properties are south facing.
- 15.13 In summary, it is not considered that there would be any loss of light to or harm to the outlook from neighbouring properties and any impact on residential amenity would be negligible.

15.14 Trees and hedges

Whilst there are various small garden hedges to front of the site, this is not protected and all could be removed at any time without the Council's permission. In any case, none are such that they could not be easily replaced with others of similar or better quality. The design gives the potential for new planting that could contribute very positively to the appearance of the site and that is a material consideration in its favour. However, to the rear and side of the site are a number of protected trees which could not be removed without the prior consent of the Council. These trees contribute positively to the character of the area and as such the scheme will be subject to conditions to protect critical aspects and to ensure that these protected trees are not harmed during the construction phase.

15.15 Highways and parking

The proposal retains the original garage and access point, although the existing crossover is proposed to be widened. The application exceeds car parking standards and would provide an enhanced turning area to allow cars to enter and exit the site in a forward gear.

16.0 **Conclusion**

- 16.1 The design of the proposed extensions is appropriate and minimises its impacts upon the neighbouring properties. No test for overbearing, overshadowing or overlooking as laid out within the "Extending Your House?" guidance document has been infringed and no unacceptable impacts have been identified. The proposed two-storey dwelling would not appear out of character in the street-scene or as an overly-prominent addition. Your Officer therefore recommends approval.

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 1897/2 Revision D and 1897/3 Revision B.

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

3 - Materials as Stated in 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/Reason

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and 2.4 metres by 43 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

5 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

6 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

7 - Non-Standard Condition/Reason

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall 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.

8 - Non-Standard Condition/Reason

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development.

In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, 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, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

9 - Non-Standard Condition/Reason

No works or development shall be carried out until a site specific Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

10 - Non-Standard Condition/Reason

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

11 - Non-Standard Condition/Reason

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, rooflights or other openings shall be installed above ground floor level within the side elevation walls extensions hereby permitted unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

12 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows in the first floor side elevations shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and 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.

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.

(4) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(5) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(6) Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

(7) It should be noted that any technical interpretation of these detailed requirements by the applicant or their agent should be sought externally from/through the relevant professional (i.e. Arboricultural consultant details of local practices available through Arboricultural Officer on 01206 282469 (am only).

(8) In the interest of efficiency any clarification of technical requirement should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the Applicant's Arboricultural Consultant and the Council's Arboricultural Officer.

20.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.