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Item No: 7.2

Application: 221902

Applicant: Colchester Borough Council

Agent: Mr Andrew Dowell, Ingleton Wood LLP

Proposal: Application for removal or variation of a condition 2 following grant of planning permission. (220148)

Location: Land West of, Cross Cottages, Boxted, Colchester

Ward: Rural North

Officer: Nadine Calder

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issues for consideration are the design of the proposed development and its impact on neighbouring amenities and the character and appearance of the surrounding area.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site lies within the defined settlement limits for Boxted Cross but has no other allocation. It is irregular in shape, with no road frontage. The site is bounded by residential development to the east, west and south, with open agricultural land to the north. The site currently comprises hardstanding which is informally used to park cars. Access to the site is gained from Dedham Road to the south.
- 3.2 A small part of the site relates to an area that is leased to and used as additional garden space by a local resident. A footpath runs through the site providing a link from Dedham Road to Cross Cottages. A gate at the entrance to the overflow parking area ensures no unauthorised access is gained into the site.

4.0 Description of the Proposal

- 4.1 This application seeks to vary condition 2 of planning permission 220148, which granted consent for the redevelopment of the site to create 7 no. new residential units. Condition 2 requires the development to be carried out in accordance with the approved drawings.
- 4.2 The approved development includes a three bedroom 5-person Part M4 Cat 3 wheelchair accessible bungalow on Plot 1 however, the intention is to now provide a four-bedroom 7-person Part M4 Cat 3 wheelchair accessible bungalow on this plot. This results in a small increase in the footprint of this dwelling, some changes to its design and a minor change in its location.
- 4.3 All other details of the approved scheme would remain unaltered.

5.0 Land Use Allocation

- 5.1 The site lies within the defined settlement limits for Boxted Cross but has no other allocation.

6.0 Relevant Planning History

- 6.1 In June 2022, this Committee resolved to grant planning permission for the redevelopment of the site to provide 7no. new residential units, which are to be 100% affordable (reference 220148).

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

The Section 2 Local Plan was adopted on 4th July 2022. Policies relevant to this application include:

- SS2 Boxted
- DM12 Housing Standards
- DM15 Design and Amenity
- DM19 Private Amenity Space
- DM22 Parking
- DM25 Renewable Energy, Water Waste and Recycling

- 7.4 The Neighbourhood Plan for Boxted is also relevant. This forms part of the Development Plan in this area of the Borough.

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

The Essex Design Guide

External Materials in New Developments

EPOA Vehicle Parking Standards

Managing Archaeology in Development.

Boxted Parish Plan incorporating Village Design Statement

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Archaeological raised no objection to the proposal.
- 8.3 The Contaminated Land Officer has no objection to the proposal.
- 8.4 The Landscape Advisor raised no objection to the proposal subject to the landscape conditions attached to planning permission reference 220148 being retained.
- 8.5 The Highway Authority raised no objection to the proposed development.

9.0 Parish Council Response

- 9.1 No response has been received from the Parish Council at the time of writing this report. Any comments received prior to the meeting will be reported to Members via the Amendment Sheet.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website.
- 10.2 At the time of writing this report, one letter of objection was received. This stated that they do not understand why they are asked to comment on the proposal when the family that is going into this property (and other residents) knew this back in July. This comment does not raise a material planning consideration but points that are outside the remits of this Committee to be discussed.
- 10.3 Any representations received prior to the meeting will be reported to Members via the Amendment Sheet.

11.0 Parking Provision

- 11.1 The dwelling would retain two dedicated off street parking spaces, as per the policy requirements.

12.0 Accessibility

- 12.1 The proposal includes a wheelchair accessible unit and has been designed to be inclusive, accessible and adaptable.

13.0 Open Space Provisions

- 13.1 The proposed dwelling would retain adequate amenity space, in accordance with adopted policy.

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

- 16.1 This application seeks to vary condition 2 of planning permission 220148, which granted permission for the redevelopment of the site with 7no. affordable dwellings. Condition 2 requires the development to be carried out in accordance with the approved drawings.
- 16.2 The supporting information states that Part M4 wheelchair accessible bungalows are in very short supply and that it is the Council's intention to deliver accessible homes when and where possible to meet the needs of the Borough and to ensure there is a pipeline of newbuild social rent homes to meet the needs of a range of households on the housing register, including those households with accessibility needs.
- 16.3 The 3-bedroom 5-person Part M4 Cat 3 wheelchair accessible bungalow on Plot 1 of the wider site is proposed to be increased in size to a 4-bedroom 7-person Part M4 Cat 3 wheelchair accessible bungalow which provides a unique opportunity to make provisions for a local household with a specific need.
- 16.4 The proposed changes would result in a slight increase in the footprint of the approved dwelling (some 41sqm) and would see the building moved back from the footpath (in a north westerly direction). This would result in minor amendments to the layout of the footpath and the landscaping of the area between the dwelling and parking spaces. These changes are insignificant and would not have any visual or material impact on the character and appearance of the surrounding area. The main consideration in the determination of this application are therefore the design of the resulting dwelling and its impact on the surrounding area and neighbouring amenities.

Design and Appearance

- 16.5 The design of the proposed dwelling would remain similar to that of the approved one albeit being of slightly larger scale which would result in a slight increase in the height of the proposed pyramid style roof. The dwelling would be built using the same materials as the approved bungalow, with the exception of the rockpanel cladding which has been omitted from this scheme. Overall, the design is not considered to be too dissimilar to that which was previously approved and would complement the approved development on the wider site. An acceptable amount of private amenity space would be provided for Plot 1 and the proposed plans include the installation of solar panels, which would represent an economic/environmental benefit. The design and appearance of the proposed development are therefore held to be acceptable.

Impact on Neighbours

- 16.6 Despite the proposed changes resulting in a slight increase in the roof height, the dwelling on Plot 1 would remain a bungalow with no windows proposed in the roof of the dwelling. The building would only marginally move closer to neighbouring occupiers to the north, east (due to the dwelling's location within the plot being altered) and south (due to the increased footprint of the dwelling) and would retain an acceptable distance to these neighbouring dwellings. This, coupled with the absence of any windows above ground floor, would ensure that the proposed changes would not impact the privacy of neighbouring occupiers, nor cause any loss of light or overbearing impacts. The proposed changes are therefore considered to be acceptable having regard to the amenities of neighbouring occupiers.

Parking Provision

- 16.7 The proposed bungalow, which would see the building on Plot 1 increase from a 3- to a 4-bedroom dwelling, would not impact on the parking provision for the scheme, as it would require a minimum of two off street parking spaces and these were secured as part of the original application.

Other Matters

- 16.8 All other matters of the approved development would remain unchanged and these were previously concluded to be acceptable.

17.0 Conclusion

- 17.1 To summarise, the proposed changes to the approved scheme would not impact on the acceptability of the proposal having regard to the previously approved development. The design of the proposed dwelling on Plot 1 is visually acceptable and would not cause any significant or material impact on the character and appearance of the surrounding area or the amenities of neighbouring occupiers. As such, the proposed changes are considered to be acceptable and condition 2 of planning permission 220148 can be varied accordingly.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers

CROSSC-IWD-XX-XX-DR-A-1000 Rev P02 Existing Location Plan

CROSSC-IWD-XX-XX-DR-A-1000 Rev P14 Proposed Site Plan

CROSSC-IWD-XX-XX-DR-A-1002 Rev P01 Proposed Site Plan – Visibility Splay

CROSSC-IWD-01-00-DR-A-2050 Rev P2 Proposed Floor Plans & Elevations – Plot 1 (Block 01)

CROSSC-IWD-02-XX-DR-A-2050 Proposed Floor Plans & Elevations – Plots 2-3 (Block 2)

CROSSC-IWD-03-XX-DR-A-2050 Rev P1 Proposed Floor Plans – Plots 4-7 (Block 03)

CROSSC-IWD-03-XX-DR-A-2051 Rev P1 Proposed Elevations – Plots 4-7 (Block 03)

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

3. ZBB - 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. ZPA - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

wheel and under body washing facilities;

the diversion of closure of FP 08 (Boxted) during the construction and fitting out stages;

measures to control the emission of dust and dirt during construction; and

a scheme for recycling/disposing of waste resulting from construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

5. Non-Standard Condition - Diversion of right of way

No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority and in association with the Highway Authority has been confirmed and the new route has been constructed to the specifications of the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way.

(Note: FP No 8 (Boxted) will be required to be retained at the recorded width on the Definitive Map throughout, no reduction or impediment to highway users will be accepted).

6. Non-Standard Condition - Estate Roads

Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

7. Non-Standard Condition - Bespoke Landscape Condition

No works shall take place until a scheme of hard and soft landscape works has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also accurately identify positions and spread of all existing trees, shrubs and hedgerows on the site; proposed planting, including a native hedge and hedgerow trees along the western boundary of the site; details of any hard surface finishes and external works, including a 1.8m high hit & miss privacy fence set 500mm behind the western boundary hedge to rear gardens backing or siding onto the western boundary. The implementation of all the landscape works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application.

8. ZFE - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

9. Non-Standard Condition - Vehicular Access

Prior to the first occupation of the proposed dwellings, the proposed vehicular access as shown on the approved drawings shall be reconstructed to a width of 6.5m for the first 10m within the site then retained at 5.5m throughout after and shall be provided with an appropriately reconstructed dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

10. Non-Standard Information - Visibility Splays

Prior to the proposed access being brought into use, vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

11. Non-Standard Condition - Turning facilities

Prior to commencement of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

12. Non-Standard Condition - Internal Road and Footway layout

Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in accordance with Drawing Number CROSSC_IWD-XX-XX-DR-A-100 Rev P10.

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

13. Non-Standard Condition - Turning Areas

The development shall not be occupied until such time as the turning areas and off street parking including visitor and ad hoc unallocated parking spaces has been provided in accord with the details shown in Drawing Numbered CROSSC_IWD-XX-XX-DR-A-100 Rev P10. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

14. Non-Standard Condition - Parking Space/Hardstanding Sizes (Open)

The parking spaces / vehicular hardstandings shall each be constructed to minimum dimensions of 5.5m x 2.9m and retained thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety.

15. Non-Standard Condition - Cycle Storage

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

Reason: To promote the use of sustainable means of transport.

16. Non-Standard Condition - Residential Travel Information Packs

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

17. Non-Standard Condition - Provision of new north bound bus stop

Prior to the first occupation of any of the dwellings, the applicant/developer shall provide a new north bound bus stop adjacent to No 14 Cooks Hill junction with Dedham Road between the existing kerb line and the adjacent footway, the precise location to be agreed with the Highway Authority, including passenger hard standing/waiting area level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the verge/footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

18. ZCE - Refuse and Recycling Facilities

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

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

19. Z1A – Street Name Signs

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

20.ZPD - Limits to Hours of Work

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

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

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

19.1 Informatives

19.1 The following informatives are also recommended:

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. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning 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.

3. Non-Standard Informative - Landscape

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape webpage: <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link)'.

4. Non-Standard Informative - Works affecting Highway

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

4. Non-Standard Informative - Highway Liability

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.

5. ZTB - Informative on Any Application With a Site Notice

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

20.0 Positivity Statement

WA2 - Application Approved Following Revisions

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.