

Planning Committee Meeting

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

Thursday, 28 November 2019 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. Usually, only one person for and one person against each application is permitted. Attendance between 5.30pm and 5.45pm will greatly assist in enabling 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 (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. At Planning Committee meetings, other than in exceptional circumstances, only one person is permitted to speak in support of an application and one person in opposition to an application. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

<https://colchester.cmis.uk.com/colchester/HaveYourSay/HYSPlanning.aspx>.

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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, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

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COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 28 November 2019 at 18:00

The Planning Committee Members are:

Councillor Cyril Liddy	Chairman
Councillor Andrea Luxford Vaughan	Deputy Chairman
Councillor Lyn Barton	
Councillor Pauline Hazell	
Councillor Brian Jarvis	
Councillor Derek Loveland	
Councillor Jackie Maclean	
Councillor Philip Oxford	
Councillor Martyn Warnes	

The Planning Committee Substitute Members are:

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

Councillors:

Christopher Arnold	Kevin Bentley	Tina Bourne	Roger Buston
Nigel Chapman	Peter Chillingworth	Helen Chuah	Nick Cope
Simon Crow	Robert Davidson	Paul Dundas	John Elliott
Andrew Ellis	Adam Fox	Dave Harris	Theresa Higgins
Mike Hogg	Mike Lilley	Sue Lissimore	Sam McCarthy
Patricia Moore	Beverley Oxford	Gerard Oxford	Chris Pearson
Lee Scordis	Lesley Scott-Boutell	Lorcan Whitehead	Dennis Willetts
Julie Young	Tim Young		

AGENDA

THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 6 are normally dealt with briefly.

An Amendment Sheet is published on the Council's website by 4:30pm on the day before the meeting and is available to view at the bottom of the relevant Planning Committee webpage. Please note that any further information for the Committee to consider must be received no later than 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

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Have Your Say! (Planning)

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

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

3 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

4 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

5 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

6 Planning Committee minutes 31 October 2019 7 - 12

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 31 October 2019.

7 Planning Applications

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

7.1 192337 Lexden Manor, 8 Colvin Close, Colchester 13 - 42

Conversion of existing building to five apartments, new extension to provide four new build 2 bedroom apartments.

7.2 192562 Land adjacent to Mill Road Surgery, 47 Mill Road, Colchester 43 - 50

Temporary staff car parking with no addition to existing 70 parking spaces, this until 1st January 2020.

7.3 191984 89 Chapel Road, West Bergholt, Colchester 51 - 64

New dwelling with associated parking and amenity following demolition of existing dwelling and outbuildings.

7.4 192560 65a John Kent Avenue, Colchester 65 - 72

Application to vary condition 1 of planning permission 190212 to permit relocation of parking space to improve visibility splay (Parking for dwelling approved under application No. 170475).

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, 31 October 2019

Attendees: Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford

Substitutes: Councillor Theresa Higgins (for Councillor Andrea Luxford Vaughan), Councillor Chris Pearson (for Councillor Martyn Warnes)

Also Present:

748 Site Visits

Councillors Barton, Hazell, Higgins, Jarvis, Liddy, Loveland and J. Maclean attended the site visits.

749 Planning Committee Minutes 26 September 2019

The minutes of the meeting held on 26 September 2019 were confirmed as a correct record.

750 190753 Rowhedge Wharf, Former Rowhedge Port, Rowhedge, Colchester

The Committee considered an outline planning application for the erection of 20 residential properties with associated access, amenity space, car parking, servicing, landscaping and utilities, with revised plans received for 19 dwellings (including one affordable unit and one flat over garage) at Rowhedge Wharf, Former Rowhedge Port, Rowhedge, Colchester. The application had been referred to the Committee because it was a major application with representations raising material objections, a legal agreement was required and Councillor Lilley had called-in the application.

The Committee had before it a report and an amendment sheet in which all information was set out.

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.

Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Paul Thomas addressed the Committee pursuant to the provisions of Planning

Committee Procedure Rule 8 in opposition to the application. He explained that he lived on the neighbouring development at Rowhedge and that he was aware of the intention to develop the site of the current application. He was concerned about the removal of trees to facilitate the development, one of which was substantial in size. He was also concerned about the practice of residents to park their vehicles in Rowhedge Wharf rather than using their designated car ports and he considered this situation would be made worse by the forthcoming development.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. He explained that he had originally called in the application when the demolition of the Pump House had been included in the application. He welcomed the removal of the building from the application, thanked officers for their assistance with this and was hoping the developers would consider transferring its ownership to the community. He had no objection with the application in its current form but he referred to problems of sewage and odour in the area which had taken some while to be addressed and he sought an assurance that the sewage treatment proposals for this development would have sufficient capacity to cope with the added demand. He also referred to parking problems which he considered were due to parking spaces not being visibly delineated and he advocated adequate conditions be proposed to address this issue in respect of the current application. He was of the opinion that a management company needed to be appointed and it would be advantageous to residents if the same company managed both development sites at Rowhedge Wharf.

The Principal Planning Officer confirmed that the proposal included the removal of a large oak tree and smaller trees behind, that the tree survey had indicated the oak tree was diseased and the Council's Arboricultural Officer had agreed for it to be removed. She also confirmed that the removal of the trees had formed part of the earlier extant planning permission for the site and that 20 hectares of woodland adjacent to the site were being protected for the benefit of the community. She acknowledged problems relating to sewage in the neighbouring area but consultation with Anglian Water and the County Sustainable Drainage Systems (SuDS) Team had taken place and they had raised no objection regarding capacity. She understood that separate management companies would be used for the two developments. She confirmed that the proposed scheme complied with the Council's adopted parking standards, providing two spaces per dwelling and the visitor spaces exceeded the number required. She also confirmed that Rowhedge Wharf Road had been designed to accommodate a bus should he need arise.

Members of the Committee acknowledged concern about the removal of trees but acknowledged that they could be removed in accordance with an extant permission. The removal of the Pump House from the application and its addition to the Local List by the Local Plan Committee was welcomed. The compliance of the proposal with the Council's adopted parking standards was noted whilst comment was made about the practice of some residents choosing not to use the parking spaces provided for them which was to

the detriment of other residents.

RESOLVED (UNANIMOUSLY) that: -

(i) The Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet and with authority to make changes to the wording of those conditions, as necessary, 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, to provide for the following:

- A contribution of £1,000 per dwelling towards the improvement of the Rowhedge Trail;
- Affordable housing - one x three bed house;
- Open Space Sport and Recreation - a contribution of £23,200.31 for off-site sport and recreation;
- Sustainable Transport/Highways – a £20,000 contribution for bus shelter upgrades;
- A RAMS contribution of £122.30 per dwelling.

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, Assistant Director Policy and Corporate be authorised, at their discretion, to refuse the application or otherwise be authorised to complete the agreement.

751 183053 Colchester Holiday Park Ltd., Colchester Caravan Park, Cymbeline Way, Colchester

Councillor J. Maclean (by reason of her acquaintance with a neighbouring resident of the Caravan Park) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a planning application for the use of part of the approved caravan park for the siting of static caravans at Colchester Holiday Park Ltd., Colchester Caravan Park, Cymbeline Way,, Colchester. The application had been referred to the Committee because because the application had been called-in by Councillor Willetts.

The Committee had before it a report and in which all information was set out.

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.

Benjy Firth, Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Councillor Willetts attended and, with the consent of the Chairman, addressed the Committee. He explained that he had called in the application at the request of local residents who wished for clarification of the Council's policies in relation to caravan parks. He commented on the environmentally sensitive site and the very long-standing allocation of the site for use as a caravan park. He referred to issues relating to the park's function to cater for holiday lodges and static and touring caravans and he commented on an apparent move recently away from touring caravans and tents towards semi-permanent occupation and, with that, away from the tourism and leisure allocation in the Local Plan. He acknowledged this change in emphasis was likely to bring a reduction in traffic movements but he was of the view that site should not change to a mobile home park but remain as a site for tourists. He argued the need for an alternative site for tents and touring caravans should permission be granted for this application.

One member of the Committee voiced concern about the change of concept of the site and a shift in the ratio of static homes and touring caravans and tents and commented on the move away from the site allocation in the Local Plan. Comment was also expressed regarding the 11½ month maximum period of occupation; the use of services in the town; the lack of contribution in terms of Council Tax; the lack of alternative sites for short-term occupation; the absence of improvement in traffic volumes and the potential visitor parking problems.

The Planning Officer confirmed that the site was allocated as a caravan site; all the units, if approved, would fall within the definition of a caravan and an element of touring provision was being retained. He considered the change to more static provision was being driven by market trends and he confirmed that the parking standards required, of one space per unit, together with visitor parking was being complied with. He also confirmed that the static caravans were all defined as holiday units in planning terms.

Another member of the Committee sought further clarification on the planning history of the site; the proposed planting system and any additional measures to improve the noise attenuation from the A12 and whether any alternative sites existed in Colchester.

The Planning Officer confirmed that 12 static caravans had received approval in 2013 with a further 40 in 2018; existing planting was along the highway verge to the A12 and further hedging and tree planting was proposed which would provide a substantial barrier and the landscaping was subject to a proposed condition and, as such, changes could be sought at a later date.

Another member of the Committee acknowledged the more recent move generally at caravan sites away from touring caravans to static units; the provision of visitor parking at the entrance to a site to avoid disturbance to residents and the propensity for night-time site curfews. Comment was also made about the benefit of providing additional landscaping between the units to mitigate the impact of the close proximity of each unit

to another whilst it was welcomed that proposed conditions would impose restrictions on the duration of occupation each year and a requirement for a log to be maintained by the caravan site operator.

RESOLVED (SEVEN voted FOR, ONE voted AGAINST and ONE ABSTAINED from voting) that the application be approved subject to the conditions set out in the report.

752 191646 Land adjacent to 62 Military Road, Colchester

Councillor Liddy (by reason of his membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a planning application for the redevelopment of a vacant site to provide six flats, two mews houses and associated access road, parking, amenity space and landscaping at land adjacent to 62 Military Road, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Homes.

The Committee had before it a report in which all information was set out.

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.

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

753 192101 Colchester Mercury Theatre, Balkerne Passage, Colchester

Councillor Barton (by reason of her membership of the Board of Colchester Mercury Theatre) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a planning application for mesh Heras fencing signs advertising the new temporary location of the Theatre and the shows whilst building works are on-going at Colchester Mercury Theatre, Balkerne Passage, Colchester. The application had been referred to the Committee for transparency as the Mercury Theatre site was land owned by Colchester Borough Council.

The Committee had before it a report in which all information was set out.

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

754 Development at Rowhedge Wharf - Primary Education Contribution

The Committee considered a report by the Assistant Director Policy and Corporate concerning a request from Essex County Council to amend the definition of Primary School Purposes in a Section 106 Agreement in respect of Rowhedge Wharf to allow the primary education contribution to be used at St Lawrence School, Rowhedge.

RESOLVED (UNANIMOUSLY) that the requested Deed of Variation to the Section 106 agreement in respect of the development at Rowhedge Wharf to amend the definition of Primary School Purposes to allow the primary education contribution to be used at St Lawrence School, Rowhedge, be approved.



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Item No: 7.1

Application: 192337

Applicant: Mr Ross Carroll, Yield Developments Ltd

Proposal: Conversion of existing building to 5 apartments. New extension to provide 4 new build 2 bedroom apartments.

Location: Lexden Manor, 8 Colvin Close, Colchester, CO3 4BS

Ward: Prettygate

Officer: Annabel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the application was called in by Councillor Sue Lissimore.

1.2 Reasons for Call In:

- Planning policy - against NPPF paragraph 123 with regards to density and detrimental impact on local residents.
- Previous decisions of the Council - past applications have been refused on density and out of character for the area - this new application does not differ sufficiently from the previous applications.
- Design, appearance and layout - extension and parking is too close to existing properties in Marlowe Way.
- Impact on visual or residential amenity - windows of lounge areas will look directly in to windows of Marlowe Way reducing their privacy. Parking is too close to property boundaries in Marlowe Way and will increase noise and pollution.
- Impact on trees, listed buildings or a conservation area - adjacent to a conservation area and is not in keeping. There are no such flat developments on other roads off the main Lexden\London Road in the area and no flats in Marlowe Way. No definition of impact on existing trees, shrubs and hedgerows.
- Highway safety and traffic - Lexden Grove and Colvin Close are already subjected to narrowing due to overspill vehicles from London Rd parking there. This has deteriorated further since parking restrictions were changed in London Rd. Also, some vehicles from the Poets Corner estate park there as it is perceived to be quicker to leave Lexden Grove then from their own road. There have been complaints to me on dangerous parking on bends, reduced visibility, obstruction and damage to kerbs and pavements due to large vehicles trying to negotiate the area. This includes refuse lorries. This will only be made worse by construction vehicles who will find it very difficult to access the site whilst building work is taking place and also refuse vehicles once the property is occupied.
- Health and safety - construction vehicles accessing the site will cause safety issue as they will be obstructed by parked vehicles consequently driving on the pavements

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale and form of the proposed development, its impact on neighbouring amenity in terms of outlook, light and privacy as well as parking provision and highways. These matters have been considered alongside planning policy requirements and other material matters, leading to the application being subsequently recommended for approval.
- 2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

- 3.1 Lexden Manor is currently a single large dwellinghouse with extensive grounds situated at the end of Colvin Close cul-de-sac.
- 3.2 The site is situated in the settlement boundary in a residential area. The site is surrounded by other residential properties that have their garden boundaries adjacent to the application site. There are existing trees and hedges along these boundaries.

4.0 Description of the Proposal

- 4.1 The proposal is for the conversion of the existing dwelling into 5 flats and to build a new extension to provide a further 4 flats.
- 4.1 The proposal consists of seven 2-bedroom flats and two 3-bedroom flats. A total of 9 dwellings a net increase of 8 dwellings. 24 car parking spaces would be provided along with a bin store and bike store. The proposed development also accommodates a large landscaped communal garden and several of the flats would have their own private amenity space. The existing driveway into the site would be widened.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 183128 – Application for the conversion and extension to provide 9 flats – Withdrawn.
- 6.2 190654 – Application for the conversion of the existing dwelling into 5 flats – Withdrawn.

- 6.3 890433 - Erection of 4 no two bed apartments, 3 no two bed cottages and conversion of manor house into 4no luxury apartments. Refused - The application was refused on grounds of '*overdevelopment of the site in particular the quantity and position of the parking and vehicular circulation space would be harmful to the amenities of residential occupiers living close to the site.*'
- 6.4 730051 - Demolition of existing house and erection of 8 private dwellings and access road – decision notice missing.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:
- DP1 Design and Amenity
DP11 Flat Conversions
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
- 7.4 There are no relevant policies within the adopted Borough Site Allocations Policies (adopted 2010, amended 2014).
- 7.5 There are no relevant Neighborhood Plans.

7.6 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction

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 Highways Authority

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

1. Prior to the first occupation of the proposed development, the proposed vehicular access shall be reconstructed to full width of the access, at right angles to the highway boundary and shall be provided with an appropriately constructed connection to Colvin Close to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the first occupation of the proposed development, the private drive shall be realigned to the reconstructed vehicular access.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. The development shall not be occupied until such time as the allocated car parking spaces for no less than 24 vehicles have been hard surfaced, signed and marked out in parking bays. 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 and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

6. Prior to first occupation of the proposed development, 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, 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 in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

Informative1: The Highway Authority observes that there is only one Personal Injury Collision (PIC) recorded near the junction of Lexden Grove and Lexden Road.

Informative2: 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 or by post to:
SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

8.3 Tree Officer states:

“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 the tree report provided:

1.2 I am in agreement with the report provided.

1.3 It should be noted that the proposal requires the removal of a B category tree (T4) to facilitate the installation of parking.

1.4 Typically we would require the retention of all A and B category trees on site, I consider that this tree is only marginally categorised as B given the tight major union of the tree. The loss of this tree can be mitigated through the use of a suitably worded landscape condition.

2.0 Conclusion

2.1 In conclusion, I am satisfied with the arboricultural content of the proposal

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

5.0 Recommended Landscape Conditions: Make the tree report an approved document and ensure landscape conditions require large replacement trees to be provided.”

8.4 Landscape Officer states:

1.0 Comments:

- 1.1 The landscape content/aspect of the strategic proposals lodged on 20/09/19 would appear satisfactory.

2.0 Conclusion:

- 2.1 In conclusion, there are no objections to this application on landscape grounds.

3.0 References:

- 3.1 NPPF: Part 15, clauses 170-183 & (where impacting on a heritage asset, e.g. listed park & garden) Part 16, clauses 184-202.

4.0 Recommended Landscape Condition(s) & Informative (subject to clause 5.0 below):

- 4.1 The following condition(s) is/are recommended.

Standard:

ZFE – Landscape management plan

Bespoke:

Z00 – No part of the development shall be occupied until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Finished levels or contours, where changes are proposed.
- Means of enclosure.
- Car parking layouts.
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans.
- Implementation specifications (including cultivation and other operations associated with plant and grass establishment).

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users

and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

Recommended informative:

‘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](#) under Landscape Consultancy by clicking the ‘read our guidance’ link).’

8.5 Archaeologist states:

“The proposed development is situated within the area of archaeological interest that has been defined in the Colchester Historic Environment Record, less than 100m from a designated heritage asset (Scheduled Monument NHLE no. 1019963, Roman barrow known as Lexden Mount). There is high potential for encountering further below-ground archaeological remains at this location. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. The following archaeological condition (Z00) is recommended:

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

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

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in

accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

I will, on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Pre-determination archaeological evaluation is not required for this proposal. However, I would recommend that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

Informative on Archaeology: PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>"

8.6 Environmental Protection state:

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 washing facilities;

measures to control noise;

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

a scheme for recycling/disposing of waste resulting from demolition and 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.

ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

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.

Site boundary

We recommend that a 2m high close-boarded fence is erected along any boundary between the new units and existing residential properties.

EV charge points

We recommend the provision of a communal EV charge point.

9.0 Parish Council Response**9.1 Non parish****10.0 Representations from Notified Parties**

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

10.2 Objections

There have been 25 parties objecting to the proposed, some of the objectors have commented multiple times. There has also been objections from Councillors Lissimore and Davies. A summary of the matters raised:

Principle

- Over development
- Density of development

Design, scale and form

- Out of character with area
- Design, appearance and layout
- Scale of development – footprint
- Boundary treatments
 - Officer comments: All of the site's boundaries have a fence at 1.8 – 2.0m or a wall of similar height in some areas. The residential amenity of residents has been carefully considered.
- Impact on listed building
 - Officer comments: there are no nearby listed buildings.

Residential amenity

- Loss of light
- Overlooking and privacy
- Pollution due to increase number of vehicles
- Location of parking spaces – impact on residents
- Construction period and impacts.
 - *Officer Comments: The applicants have estimated that the construction works will take 9 to 12 months. Should approval be granted a Construction Method Plan will be conditioned.*

Highways and parking

- Traffic congestion
- Access for emergency vehicles
- Insufficient parking provision
- Highways safety
- Access to Lexden Road
- Rapid Transit Route
 - *Officer comment: at present this is due to go out to consultation imminently. The consultation is to discuss potential route options therefore the project is at very early inception. Nevertheless, should a Rapid Transit Route be implemented on Lexden Road in the future this would likely have a benefit to the nearby residents and proposed*

development. As it would encourage the residents to use a more sustainable mode of travel reducing the use of personal vehicles.

Arboriculture and wildlife

- Impact on wildlife
 - *Officer comment: The site is currently a residential with managed gardens there are no features on the site or in the nearby area that would require the need for an ecology survey.*
- Impact on protected trees
 - *Officer comment: There are no tree preservation orders within the the site boundary. Impact on trees within the site and outside of the site has been assessed by the Council's Tree Officer.*
- Loss of trees

Other

- Missing elevation plan
 - *Officer comment: The missing plan was indexed to the case and a 14 day re-consultation undertaken.*

11.0 Parking Provision

11.1 Development Policy DP19 parking standards states that a minimum 2 parking spaces for dwellings with 2-bedrooms or more, with an additional 0.25 spaces to be provided per dwelling for visitors.

11.2 The proposed is for a seven 2-bedroom flats and two 3-bedroom flats. Therefore, the parking provision required is 18 parking spaces and 2 visitor parking spaces.

11.3 The scheme is providing two parking spaces per dwelling, three visitor parking space and three disabled parking spaces a total of 24 parking spaces. Therefore, providing parking spaces proposed is surplus of the parking standards.

12.0 Accessibility

12.1 With regards to the Equalities Act and compliance with policies DP12 and DP17 with regards to accessibility standards, the proposed provides 5 ground floor flats and 3 disabled parking spaces.

13.0 Open Space Provisions

13.1 Amenity space is provided on site for residents but no public space can be delivered as the site/development is modest.

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. Each dwelling will also be conditioned to provided electric vehicle charging point to promote low emission vehicles in the interests of sustainability.

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 The main issues in this case are:

- The Principle of Development
- Design, scale, form, and layout
- Impact on the Surrounding Area and Neighbouring Properties
- Highway Safety and Parking Provisions (including Cycling)
- Landscape and Trees
- Private Amenity Space Provision
- Refuse storage facilities
- Wildlife Mitigation Payment
- Archaeology

Principle of the development

- 16.2 The application site is within the settlement boundary of Colchester. In terms of the principle of development, Core Strategy Policy SD1 seeks to locate growth at the most accessible and sustainable locations in accordance with the settlement hierarchy.
- 16.3 The increase in the number of small households and rising house prices has increased the demand for small low-cost dwellings, particularly from single people and young couples on modest incomes. One way of providing this type of accommodation is through the sub-division of existing dwellings. In this instance the site is large enough to accommodate not only the subdivision of the existing building but the creation of further units with an extension to the existing building.
- 16.4 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

16.5 The NPPF goes on to state that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It also states that to ensure sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). The NPPF requires the economic, social and environmental roles of sustainability to be considered together. It is considered that the proposal is likely to have a positive social, environmental and economic impact.

16.6 The expenditure by future occupiers would help to support local services. Also, in the short term the construction works would generate local employment. The development will help to provide range of homes to meet the needs of present and future generations.

16.7 The location is considered to be sustainable, it is within the settlement limits and accessible to services. The site is 600m from a large supermarket, in close proximity to a public house and there is also a nearby primary school and church. There are a number of nearby bus stops which are serviced by regular buses to Colchester town, other parts of the Colchester Borough and wider area.

16.8 The proposed development is making effective use of land therefore adhering to the environmental objective of sustainable development. Paragraph 123 of the NPPF states that it is important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

16.9 Policy DP11: Flat conversions states that within the defined settlement boundaries, proposals will be supported provided that:

- (i) the proposal is not for the conversion of an existing property with a gross floor area of less than 110 square metres;
- (ii) the conversion will not be detrimental to the appearance of the building by reason of unsympathetic additions or alterations;
- (iii) appropriate provision is made for parking, private amenity space and refuse storage facilities, in a visually acceptable manner;
- (iv) the proposal will not either in isolation or because of the cumulative impact be detrimental to the character or amenity of the street frontage;
- (v) the internal layout minimises possible noise disturbance and/or overlooking to the immediate neighbours; and
- (vi) the proposal will not result in an unsatisfactory living environment for prospective occupiers.

16.10 It is considered that the proposed complies fully with DP11 and certain elements will be further explored below.

Design, scale, form and layout

16.11 The proposed scheme has been subject to two previously withdrawn applications and two subsequent preliminary enquires with Colchester Borough Council. Consequently, the design, scale, form and layout has been discussed and negotiated at length and the currently proposed scheme is considered to be acceptable.

16.12 Core Strategy Policy UR2 states that the Council will promote and secure high quality and inclusive design. Development Policy DP1 requires that all development is designed to a high standard in terms of architectural approach, height, size, scale, form, massing, materials and design details. Good quality design ensures attractive and functional places.

16.13 Development Policy DP11 flat conversions states proposals will be supported provided that the conversion will not be detrimental to the appearance of the building by reason of unsympathetic additions or alterations and that the proposal will not either in isolation or because of the cumulative impact be detrimental to the character or amenity of the street frontage.

16.14 The proposed extension to the existing building creates an L-shaped building. Further interest to the building's form is provided by the flat roofed linking structure. This design approach allows the existing building to read separately but concurrently from the proposed extension, ensuring that the proposed reads as a later modern addition with sufficient interest and articulation. Therefore, the architectural approach to the proposed extension is considered to be acceptable.

16.15 The massing, scale and density of the proposed is also considered to be acceptable. The site is large and easily accommodates the proposed

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extension providing high levels of amenity space, landscaping and parking provision in an acceptable manner. The extension does not greatly increase the footprint of the building, with a footprint increase of approximately a 1/3. The height of the proposed is the same as the existing dwelling although it is separated with a lower, flat roofed linking structure.

- 16.16 The materials have been selected to complement the existing structure whilst providing modern detailing. The render and brick are consistent materials throughout the building whilst the grey windows and doors as well as the cladding proposed on the extension are distinctly modern ensuring the extension reads as a later addition.
- 16.17 Due to the orientation of the plot there are limited views from the public realm and it is noted that the extension is located to the side and the rear of the existing building. Consequently, the design and layout do not harm the surrounding area either.
- 16.18 With regards to the existing host dwelling to be converted there will be little alteration to the external appearance of the building. The L-shape plan means that in particular the principle elevation will remain distinct.
- 16.19 It is considered that the proposed is considered to be acceptable in design terms, there is a clear architectural approach, suitable use of materials, the scale, form, height and massing is also considered to be acceptable.

Impact on the Surrounding Area and Neighbouring Properties

- 16.20 Policy UR2 of the Core Strategy and Development Policies DP1 and DP13 state that any development must respect existing and proposed residential amenity with regards to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight. Also, Policy DP11 states proposals will be supported provided that the internal layout minimises possible noise disturbance and/or overlooking to the immediate neighbours. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential amenity.
- 16.21 There have been objections received from neighbours expressing concerns with regards to neighbouring amenity.
- 16.22 The proposed has been carefully considered with regards to retaining the privacy of the existing residents. On the eastern elevation there are 3 existing side windows on the first floor and 1 existing window on the 2nd floor. The first-floor windows at present serve a bedroom and the landing. The proposed use of these windows is to serve a living room and the landing. It is considered that the change of use from bedrooms to living rooms will have no additional harm on the privacy of neighbouring dwellings. On the second floor the room was used as a games room and is proposed to be used as a living room. Again it is considered that the change of use of the room will not result in additional harm to the privacy of the neighbours and is therefore considered to be acceptable.

- 16.23 Also, on the eastern elevation there are two new windows to be introduced on the proposed extension. These windows serve a living room. However these are 30m from the site boundary and neighbour's rear gardens which is a sufficient distance away from neighbouring dwellings to meet the back to back criteria as set out in the Essex Design Guide and is therefore considered to be acceptable.
- 16.24 The western side elevation is to the rear of existing housing. Existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the proposed is approximately parallel to those of the existing homes a minimum spacing of 25m between proposed windows and the existing dwellings is required. An intervening fence or other visual barrier of above eye-level height should be incorporated to maintain an adequate level of privacy. On the proposed western elevation there are 3 new first floor side windows proposed. Two of which serve bedrooms and one a bathroom. The bathroom will likely be obscured glazed and therefore there are no concerns. With regards to the windows serving the bedrooms they are 26m from the boundary which is screened by mature trees and vegetation and is 33m from the rear of the 9 Lexden Grove therefore satisfying the Council's standards for assessing this issue as set out in the Essex Design Guide.
- 16.25 The proposed is considered well within acceptable parameters with regards to daylight and shadowing. The extension at its closest point is 13m from the nearest neighbouring dwelling and 3m from the neighbouring boundary. There would be no loss of light caused by the proposed. With regards to whether the proposed would appear overbearing there are considerable distances of the proposed extension from the neighbouring boundaries and there are 1.8 to 2m high fences and walls enclosing the site. The boundaries are also heavily vegetated and it is therefore considered that the proposed would not appear overbearing.
- 16.26 There have been objections received with regards to the location of the parking spaces. Spaces 13 - 24 are some 5 to 6 m from the boundaries. There is also a considerable number of trees and mature vegetation that is to be retained. It is therefore considered that there would be no unacceptable harm to residential amenity as a result of headlights or noise of the resultant vehicle movements. Spaces 12 to 7 are closer to the boundary, at its closest being located 2m from the neighbouring boundary. However, this is 12m from the rear of the dwelling. A additional wall is to be erected on the rear of the parking spaces to ensure that impact on neighbouring amenity is acceptable. It is considered that parking layout is acceptable.
- 16.27 There have also been concerns raised with regards to the pollution as a result of the additional vehicles. It is not considered that the additional vehicle movements associated with the proposed development is sufficient reason to prohibit development of the site. As already stated, the NPPF requires the optimal potential use of each site. It has also been explored that the proposed is in a sustainable location therefore use of personal vehicles will be at an acceptable level. However, there is a need to mitigate against

pollution and emissions therefore it will be conditioned that electric vehicle charging points will be installed to encourage the use of more sustainable personal vehicles. It should also be noted that the site is not within an Air Quality Management Area.

- 16.28 With regards to the construction period there will be a construction management plan in place, as recommended by Environmental Protection, to ensure that disruption as a result of the works will be mitigated. The work is anticipated to take between 9 and 12 months to complete.
- 16.29 It is considered that the proposed is therefore acceptable with regards to impact on neighbouring amenity and the surrounding area. The proposed development therefore accords with Policies DP1, DP11 and DP12 or the NPPF.

Highway Safety and Parking Provisions (including Cycling)

- 16.30 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 16.31 CS Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 16.32 Development Policy DP19 parking standards states that 2 parking spaces should be provided for dwellings with 2-bedrooms or more, with an additional 0.25 spaces to be provided per dwelling for visitors. The proposed is for a seven 2-bedroom flats and two 3-bedroom flat.
- 16.33 The scheme is providing two parking spaces per dwelling, as well as three visitor parking spaces and three disabled parking spaces which is a total of 24 parking spaces. This level of parking provision is considered to be robust and accords with the Vehicle Parking Standards. As the site is providing policy compliant parking including adequate level of visitor parking it is not anticipated that the development would result in increased on-street parking. Accordingly, it is considered that there would be no additional obstruction to the movement of vehicles along Colvin Close such as emergency vehicles and waste disposal vehicles and thus no detriment to highway safety in this respect.

- 16.34 In accordance with policy TA1 the proposed development is within a highly accessible location within the settlement boundaries. There are a number of nearby bus stops located on Lexden Road, the nearest bus stops to the site are approximately 100m from the site. The bus routes along Lexden Road are numerous: 505, 88, 88B, 176, 80, 83, 10, 71C, 5, 70, 70X, 65, 525 and 509. It is therefore considered that the location of the proposed accords with Policy DP17 with regards to providing sustainable modes of transport.
- 16.35 Comments have been received with regards to a Rapid Transit Plan. At present this is due to go out to consultation. The consultation is to discuss potential route options. Therefore the project is at very early inception. Nevertheless, should a Rapid Transit Route be implemented on Lexden Road in the future this would likely have a benefit to the nearby residents and proposed development as it would encourage the residents to use more sustainable modes of travel, further reducing the use of personal vehicles.
- 16.36 The site also provides bike storage, promoting cycling as a sustainable means of transport according with Policy DP17 enhancing accessibility to cycling. With regards to increasing and encouraging sustainable means of transport the site will also provide electric vehicle charging points.
- 16.47 There have also been objections received with regards to Highway safety. The Highways Authority have been consulted on the matters and as experts in this field their comments have significant weight. The Highways Authority have not objected to the proposed and have recommended approval. Therefore, overall the scheme is deemed acceptable on highway safety grounds. It is understood that there would likely be an increase in the use of the road but that this would not have significant harmful effects to warrant refusal. The benefits and adherence to national legislation and local policy of the scheme have been previously explored in depth. On balance it is not considered that the increased use of the Colvin Close or access to Lexden Road as a result of the proposed is sufficient reason to refuse the application.

Private amenity space

- 16.48 Development policy DP16 states that for flatted developments a minimum space requirement of 25m² per flat should be provided communally. The Essex Design Guide states that a balcony or terrace over 5m² will also count towards this requirement. The development should therefore provide a minimum 225m² amenity space. DP11 also stated that for flat conversion that appropriate provision is made for the amenity space.
- 16.49 The proposed development provides 836m² in communal space with is significantly over the policy requirement.
- 16.50 Additionally, the proposed also provides private amenity space for several of the flats providing a total of 342.2m², therefore the proposed is considered to be acceptable.

Landscape and Trees

- 16.51 Development Plan Policy DP1 requires development proposals demonstrate that it will respect and enhance the character of the site, context and surroundings including its landscape setting.
- 16.52 The application is providing a large communal amenity area including a sitting area, further details with regards to the specific treatment of the landscape will be controlled by the use of conditions.
- 16.53 The application site has a number of mature trees and vegetation and the majority of the trees are to be retained. There is to be the removal of four category C trees and one category B tree. Typically, it would be required that all A and B category trees are retained on site. However, the Tree Officer has reviewed the category B tree and considers that this tree is only marginally categorized as B given the tight major union of the tree. Therefore, with the use of landscape conditions and the benefits of the scheme, the loss of the tree is on balance considered to be acceptable. The loss of this tree can be mitigated through the use of a suitably worded landscape condition.

Refuse storage facilities

- 16.54 Adequate secure refuse and recycling store has been provided in a visually acceptable manner. The location of the storage is away from neighbouring dwellings and the flats therefore there will be not harm to amenity in terms of noise and odour.

Wildlife

- 16.55 Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site. Accordingly, a Habitat Regulations Assessment has been under taken and relevant mitigation identified.
- 16.56 Habitat Sites are protected at the highest level and are of international importance. They are designated through the EU Birds Directive and EU Habitats Directive, and these Directives are transposed into UK law. In Colchester we have the Colne Estuary Special Protection Area (SPA), the Blackwater Estuary Special Protection Area (SPA), Abberton Reservoir Estuary Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC). The three SPAs are also Ramsar sites, which are wetlands of international importance. The Essex Estuaries SAC includes the Colne and Blackwater estuaries. Due to the close proximity of the River Stour, the southern shore of the Stour and Orwell Estuaries Special Protection Area (SPA) is also likely to be affected by development in Colchester.
- 16.57 Population growth in Essex is likely to significantly affect Habitat Sites through increased recreational disturbance in-combination with other Local

Plans. Consequently, in partnership with Natural England, the Government's advisor on the natural environment, and other LPAs in Essex, Colchester Borough Council is preparing a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. The RAMS identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance in-combination with other plans and projects. The RAMS sets out a tariff of £122.30, which applies to all residential development within the Zone of Influence (Zoi). The whole of Colchester Borough is within the Zoi. All residential proposals within the borough should make a contribution towards the measures in the RAMS to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected and the proposal complies with the Habitat Regulations.

- 16.58 Therefore, should the application be granted approval a payment of £122.30 per dwelling will be required. Subject to receipt of this payment, the scheme will comply with the provisions of the NPPF and Local Plan Policy DP21 which aim to conserve and enhance biodiversity.

Archaeology

- 16.59 As per the Archaeologist's comments, a condition will be applied to secure a Written Scheme of Investigation to ensure that any archaeological features are protected and/or recorded in accordance with Policy DP21 of the Local Plan.

17.0 Conclusion

- 17.1 To summarise, the application is to convert an extension large dwelling into 5 flats and the erection of an extension to provide a further 4 flats. The development will contribute towards the Borough's supply of housing, providing further small households to accommodate the needs of the borough. The proposed is considered to be sustainable development and is an optimal use of the site.
- 17.2 The proposal complies with local development framework policies and national policy. The scheme is considered to be acceptable with regards to the design, neighbouring amenity, highways safety, parking, landscape, private amenity space provision and wildlife impact.
- 17.3 In conclusion, it is considered that the proposal presents significant benefits and that the objections raised have been sufficiently addressed. Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions provided below.

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 – Approved plans

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

PROPOSED FLOOR PLANS APARTMENTS 1-9 indexed 20 September 2019,

PROPOSED ELEVATIONS indexed 20 September 2019,

LOCATION PLAN indexed 20 September 2019,

PROPOSED SITE PLAN indexed 14 November 2019, ARBORICULTURAL IMPACT ASSESSMENT indexed 5 November 2019, LEXDEN MANOR BOUNDARY TREATMENTS indexed 14 November 2019

& GROUNDWORKS & SERVICE RUN PLANS indexed 14 November 2019.

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

3. ZBA – Materials to be agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4. Non Standard Condition - 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.

5. Non Standard Condition - Landscape

No part of the development shall be occupied until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the

Local Planning Authority. The submitted landscape details shall include:

- Finished levels or contours, where changes are proposed.
- Means of enclosure.
- Car parking layouts.
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans.
- Implementation specifications (including cultivation and other operations associated with plant and grass establishment).

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

6. Non Standard Condition - Archaeology

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

7. Non Standard Condition - 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 washing facilities;
measures to control noise;
measures to control the emission of dust and dirt during construction; and
a scheme for recycling/disposing of waste resulting from demolition and 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.

8. Non Standard Condition - Hours of working

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

9. Non Standard Condition - Refuse and Recycling storage

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.

10. Non Standard Condition - EV Charging

The development hereby approved shall not be occupied until the one electric charging point for all parking spaces provided as per drawing PROPOSED SITE PLAN indexed 30 September has been installed and is operational. All of the electric charging points shall be retained and shall be fully functional at all times.

Reason: In the interest in the promotion of low emission vehicles in the interest of sustainability and to mitigate impact of the development on the air quality.

11. Non Standard Condition - Vehicle Access

Prior to the first occupation of the proposed development, the proposed vehicular access shall be reconstructed to full width of the access, at right angles to the highway boundary and shall be provided with an appropriately constructed connection to Colvin Close to the specifications of the Highway Authority.

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

12. Non Standard Condition - Private Drive

Prior to the first occupation of the proposed development, the private drive shall be realigned to the reconstructed vehicular access.

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 - No unbound materials

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

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

14. Non Standard Condition - Surfacing parking

The development shall not be occupied until such time as the allocated car parking spaces for no less than 24 vehicles have been hard surfaced, signed and marked out in parking bays. 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.

15. Non Standard Condition - Bicycle storage

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

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

16. Non Standard Condition - Travel Information Packs

Prior to first occupation of the proposed development, 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, 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 - Tree Protection

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows 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, with 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.

18. Non Standard Condition - Surface water drainage

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

Reason: To minimise the risk of flooding.

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.Non Standard Informative - Archaeology:

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>

3.Non Standard Informative Highways:

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

The applicants should be advised to contact the Development Management Team by email at

development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

4. 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](#) under Landscape Consultancy by clicking the 'read our guidance' link).

5. 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.



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Item No: 7.2

Application: 192562

Applicant: East Suffolk & North Essex Nhs Foundation Trust

Agent: Mr Richard Bedford, Daniel Connel Partnership

Proposal: Temporary staff car parking with no addition to existing 70 parking spaces, this until 1st January 2020.

Location: Land adjacent to, Mill Road Surgery, 47 Mill Road, Colchester, CO4 5LE

Ward: Mile End

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 it was called in by Councillor Goss on the following grounds:
- Disturbance to local residents;
 - Application made post usage; and
 - Parking strategy at the hospital is unclear and piecemeal.

2.0 Synopsis

- 2.1 The key issues for consideration are whether the temporary change in the user of this site (i.e. a mix of staff and contractors working at Colchester General Hospital instead of contractors only) will have an impact on the character and appearance of the area or neighbouring occupiers in terms of noise and disturbance.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site is accessed from a driveway off Mill Road which gives access to a doctor's surgery. The site shares a fenced boundary with the surgery. To the east is the Northern Approach Road, to the west are three bungalows accessed off Mill Road and to the south is housing in Cambie Crescent. The west and south boundary have screen fencing and along the south some planting/trees. The west boundary has a low hedge row.

4.0 Description of the Proposal

- 4.1 This application seeks temporary permission for the car park to be used by Hospital staff in addition to contractor vehicles. No amendments to the number of vehicles allowed on site (70no.) or the hours of use (weekdays 07:00-19:00, Saturdays 07:00-14:00 and not at all Sundays and Public Holidays) are proposed.
- 4.2 The proposal simply seeks permission for a different user to be allowed in the car park until 1st January 2020.

5.0 Land Use Allocation

- 5.1 The site is located in a predominantly residential area.

6.0 Relevant Planning History

- 6.1 Planning permission for the site to be used as an ad hoc car park for light goods vehicles (max gross weight 3.5 tonnes) used by contractors working at Colchester General Hospital was granted in 2018 (reference 180859). The use of the car park is limited to 70 vehicles at any one time and to the following

hours: weekdays 07:00-19:00, Saturdays 07:00-14:00 and not at all Sundays and Public Holidays.

7.0 Principal Policies

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

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP19 Parking Standards

- 7.4 Some "allocated sites" also have specific policies applicable to them. 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 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

EPOA Vehicle Parking Standards
North Colchester Growth Area
Myland Parish Plan AND Myland 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.

n/a

9.0 Parish Council Response

- 9.1 The Parish Council object to the proposal due to the impact the proposal would have on neighbouring residents. Their full response can be viewed on our website.
- 9.2 It is worth noting that the Parish Council appear to be under the impression that the car park would be used 24 hours a day, 7 days a week, which is not the case.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 Two letters of objection from nearby residents were received. Their comments can be summarised as follows:
- Permitted hours of use exceeded;
 - Unclear parking strategy, i.e. where will staff park after 01.01.2020;
 - Object to the site being used 24/7.

It is noted that one of the two objectors stated that they “haven’t got a problem with permitted vehicles using the site within the stipulated times, vehicle size and spaces” and only object to the proposal as they appear to believe it is for extended hours.

10.3 Councillor Goss, in addition to his call-in request, also submitted an objection stating that parking at the hospital is an issue for which a better and more sustainable longer-term solution needs to be found. He also considers that the proposal will impact on neighbouring occupiers.

10.4 Councillor King generally supports the application but criticises the retrospective nature of this planning application. He states that, if approval is given, it is essential that the hospital are made to commit to and comply with the limits of the approval.

11.0 Parking Provision

11.1 The site currently provides a maximum of 70 spaces for contractors working at Colchester General Hospital. This number would remain unchanged.

12.0 Accessibility

12.1 n/a

13.0 Open Space Provisions

13.1 n/a

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 The application site is currently used as a car park for contractors working at Colchester General Hospital. Planning permission for this was granted in 2018 (180859) subject to a condition that limits the use of the site as a car park to the following hours:

- Weekdays: 07:00-19:00
- Saturdays: 07:00-14:00
- Sundays and Public Holidays: not at all.
- There shall be no overnight use of the site by the contractors or any other person.

16.2 The use of the site is also limited to 70 vehicles as this was the number of spaces for which planning permission was sought in 2018.

- 16.3 This current application does not seek to increase the number of vehicles allowed on the site, which would remain at a maximum of 70 at any one time, or the hours of use, which would stay the same as set out in paragraph 16.1.
- 16.4 The purpose of this application is to allow hospital staff to park their cars on the site for a limited period of time (until 1st January 2020). The use of the site is currently restricted to contractors working at Colchester General Hospital. This application is for a limited period only, following which the car park would only be allowed to be used by contractors working at the hospital again, as per the details approved under 180859.
- 16.5 The comments from local residents, the Parish Council and local Councillors in response to this application are noted, however, Members of the Planning Committee should note that neither the number of vehicles allowed on site nor the hours of use is proposed to be increased. It is simply a mix of hospital staff and contractors working at the hospital that would use the site until 1st January 2020 rather than contractors only. As such, the proposal would not cause any additional noise or disturbance to neighbouring occupiers. In any event, it could be argued that staff members may cause less noise/disturbance due to them not carrying any tools, goods or materials and their vehicles generally being of a quieter nature than contractor vehicles that make loud noises when they reverse, for example.
- 16.6 Additional information in relation to staff parking after 1st January 2020 was sought and the Hospital explained that “a new needs based staff permit system that was introduced as part of the parking management changes in Autumn 2018” requires “all staff permits [...] to be renewed yearly now. This gives the Trust the ability to vary the level of permits issued in proportion to the number of staff parking spaces available. (...) The permit system is now due to be re-run before 1st January and the number of permits is likely to be reduced. This means we will be able to cease using Mill Road for temporary staff parking from that date and revert back to contractor parking only.”

17.0 Conclusion

- 17.1 To summarise, temporary permission is sought for the existing car park to be used by hospital staff as well as contractors. No changes to the maximum number of vehicles on site or the hours of use are proposed. Staff parking on site would cease after 1st January 2020. The activity on site is therefore not considered to cause any increased noise or disturbance to neighbouring occupiers and is acceptable.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. Z00 – Restriction of End User

The site shall only be used for the ad hoc parking of cars and light goods vehicles (Max gross weight 3.5 tonnes) used by contractors working at Colchester General Hospital and members of staff of Colchester General Hospital.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed and in the interests of residential amenity.

2.ZAG - *Temporary Permission*

The period of this permission shall expire on 2 January 2020 at which date the use of the site will revert back to its originally permitted use as per the details of planning permission 180859.

Reason: For the avoidance of doubt as to the scope of this permission.

3.ZGA - *Restriction of Hours of Operation*

The use hereby permitted shall not be in use outside of the following times:

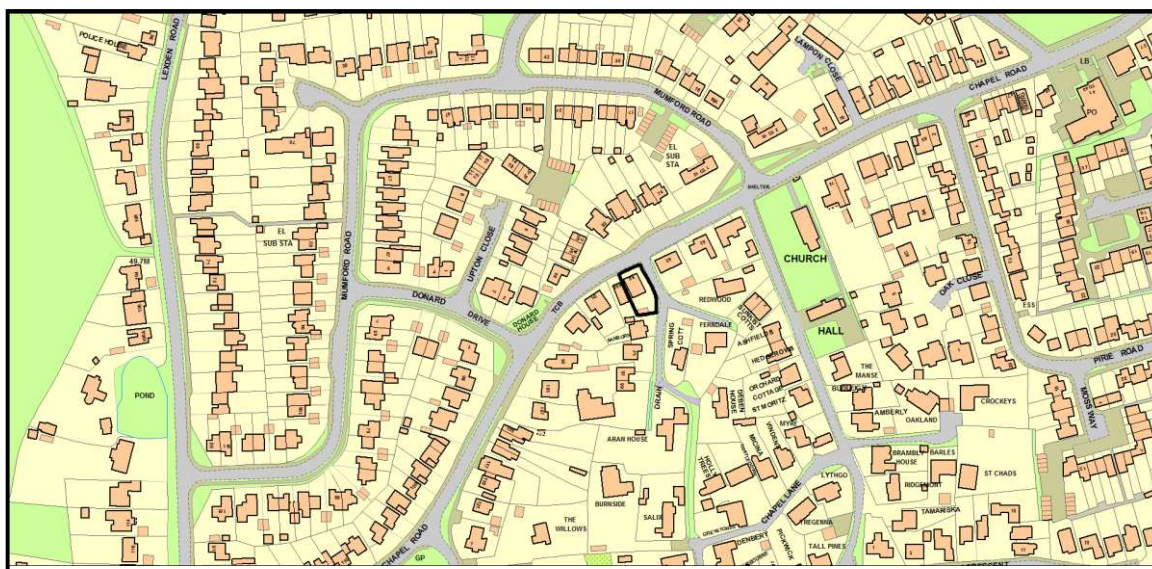
Weekdays: 07:00 – 19:00

Saturdays: 07:00 – 14:00

Sundays and Public Holidays: Not at all

There shall be no overnight use of the site by the contractors or any other person.

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



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Item No: 7.3

Application: 191984

Applicant: S Cullis

Agent: Mr Andy Cameron

Proposal: New Dwelling with associated parking and Amenity following demolition of existing dwelling and outbuildings.

Location: 89 Chapel Road, West Bergholt, Colchester, CO6 3HB

Ward: Lexden & Braiswick

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Barber “On the grounds submitted by the Parish Council.”

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale, form and layout of the replacement dwelling, impact upon the character of the street scene and the impact upon neighbouring residential amenity and highway safety.
- 2.2 The revised application is subsequently recommended for approval. It is considered that the design, scale, form and layout of the dwelling would be in keeping with the character of the street scene and surroundings and would not represent an overdevelopment of the site. It is not considered there would be any significant impact upon neighbouring residential amenity owing to the positioning and scale of the dwelling and proximity to neighbouring property. A rear dormer has been omitted to ensure there would not be overlooking. There are no objections from the Highway Authority and the scheme would not be detrimental to highway safety. There is room for parking provision on site although it is unclear whether or not this site is allowed parking under a Covenant. Whilst this is not a change from the current situation, the parking provision condition will need to be complied with if the permission is to be implemented. There would be adequate private amenity space provision in accordance with Local Plan Policy.

3.0 Site Description and Context

- 3.1 The site lies within the settlement limits of West Bergholt and contains a twin gabled, modestly sized single storey dwelling with a flat roofed rear extension. Vehicular access is taken off Spring Lane which runs alongside the dwelling and serves other dwellings although there is debate as to whether the site is allowed vehicular parking under a covenant.

4.0 Description of the Proposal

- 4.1 The proposal is for the demolition of the existing single storey dwelling and its replacement by a single 1 ½ storey dwelling. This would be 7.150 m high, (reduced from 7.3 m) with a main gable width of 6 m. It is shown to have 3 bedrooms upstairs with a study/bedroom downstairs.
- 4.2 The scheme has been amended during this application by reducing the main gable width of the dwelling from 7.7 metres to a more traditional 6 metres. This results in a more traditional, steeper pitch and also slightly reduces the footprint of the dwelling. A rear facing dormer has also been omitted and replaced by a high level rooflight in the interests of privacy protection.
- 4.3 Two parking spaces are shown and the existing front and rear hedge would be retained. The previous proposal was for a pair of semi-detached 1 ½ storey dwellings (190423) which was refused at Committee.

5.0 Land Use Allocation

- 5.1 Settlement limits.
Residential curtilage

6.0 Relevant Planning History

- 6.1 190423. Two new dwellings with associated parking and amenity following demolition of existing dwelling.

Refused for the following reasons:

“The redevelopment of this prominent corner plot in the detailed manner proposed for a pair of semi-detached dwellings would result in a cramped and contrived form of over-development that would fail to reflect or respect the established semi-rural character of this part of West Bergholt village by reason of the density of the development proposed and the relationship with neighbouring properties and resultant harmful and overbearing impact upon the streetscene.” (Policies then listed.)

7.0 Principal Policies

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

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

- 7.4 Some “allocated sites” also have specific policies applicable to them in accordance with the adopted Site Allocations (adopted 2010) policies, although the policies are not applicable to this case.
- 7.5 The Neighbourhood Plan for West Bergholt is also relevant. This forms part of the Development Plan in this area of the Borough.
- 7.6 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Sustainable Construction
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
West Bergholt Parish Plan & West Bergholt 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 Highways Authority state:

DRAWING NUMBERED 1592/P01d

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

1 All off street car parking shall be provided in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1

and 8 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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.

8.3 Archaeologist states: No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

- 8.4 Environmental Protection make comments in relation to best practice for construction (Informative) plus recommend conditions in relation to:

ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

9.0 Parish Council Response

- 9.1 The Parish Council initially stated on the original submission:

“Comment: The Parish Council would like to request an extension in time whilst CBC seeks answers to the following questions. Firstly, it would like to express concern regarding the height of the proposed dwelling. Could CBC request that the ridge height be added to the plans as currently only a cursory view can be made without it. The Council would also ask for a street scene with the existing and proposed ridge heights of the adjacent properties in order to show the relationship to its neighbours. The reasoning behind this is so that we can avoid a repeat of the 2 Donard Drive application 131924 which resulted in a dwelling that now dominates a prominent corner of Chapel Road. The Council is concerned at the loss of yet another bungalow and would prefer a like-for-like replacement rather than another 3-4-bedroom house which will swamp the neighbouring property and lane. Also, has the legal access to Spring Lane been proven yet?”

- 9.2 The Parish Council reiterates its previous comments, that the proposed dwelling is still too large for the site and a building 1 metre lower would be preferable to one which will swamp the neighbouring property and lane. It would also like the Borough to note the inaccuracies on the street view drawings.

Chapel Road slopes downwards in the direction of the Queen’s Head pond, but the effect of this has not been considered in the drawings. The building was previously refused because of its height however the revised dwelling is equally as big.

The Council would again reiterate its request for the survey heights of the proposed and adjacent roofs in order to make a more accurate judgement. The feeling is that something will be built there and we can't realistically expect a like for-like, but it needs to be a dwelling more subservient than the current proposals.

10.0 Representations from Notified Parties

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

10.2 21 letters of objection have been received (some 2-3 times from same address) which make the following comments:

- Will dominate. Design out of keeping. Too big. Overdevelopment. Too high. Should be 1 m lower.
- More than 2 cars needed. Not enough turning space. No right to park.
- Should be like for like.
- Private lane issue.
- Overlook opposite. Overshadows. Loss of light to house and garden. Dormer overlooks garden.
- Not sustainable.
- Should be light colour.
- Highway danger.
- Asbestos.
- Porch overbearing.
- Other bungalows replaced.
- Amended plan very similar.
- Detracts from street scene.
- Contrary to Neighbourhood Plan

11.0 Parking Provision

11.1 The plans show two parking spaces located to the rear of the property. This is discussed in detail in the main body of the report.

12.0 Accessibility

12.1 Under the Equalities Act, the proposed dwelling is relatively accessible and could accommodate adaptation to increase accessibility were this to be required by future occupants.

13.0 Open Space Provisions

13.1 Not applicable.

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

Principle of Development

- 16.1 The site lies within the settlement limits of West Bergholt. Accordingly, the proposal should be judged on its planning merits having regard to settlement policy SD1 which aims to direct development to the most accessible and sustainable locations in accordance with the settlement hierarchy.

Design, Form, layout and Impact in the street scene

- 16.2 It is considered that the revised design and layout of the proposal is now acceptable and in keeping with the character of the street scene and surroundings. The dwelling has a gable width of 6m, which gives it a more traditional appearance, including a steeper pitched roof. It is also of modest height, being 7.15 metres which is a traditional 1 ½ storey cottage height. Anything lower and there would be potential head height problems at first floor level so the height has been minimised for a 1 ½ storey dwelling. The front dormers are of an appropriately traditional form and do not dominate the roof. Overall, the revised design represents a dwelling of traditional proportions, scale and form, which, whilst larger than the existing single storey dwelling it replaces would be in keeping with its surroundings, in accordance with Policy DP1 which provides that development must respect the character of the site, its context and surroundings.
- 16.3 It is not considered the fact that the adjacent dwelling is single storey would justify not allowing a modest 1 ½ storey dwelling adjacent to it. There are numerous examples throughout the country where 1 ½ or even two storey dwellings can be positioned satisfactorily next to a single storey dwelling without undermining the character of the street scene. The street already has a number of 1 ½ and two storey dwellings within it, so this replacement proposal would be in keeping with the overall character of the street scene, particularly as it is of modest height and is of traditional proportions and detailing. It is not considered that the front porch can be objected to in terms of scale and design. It has a traditional pitch roof and is not excessive in size.
- 16.4 As the replacement dwelling would not be out of keeping with the surrounding built form and is of traditional design and scale it is thus not considered the proposal would contravene the provisions of the Village Design Statement to any significant degree or the Neighbourhood Plan. The single storey dwelling to be removed does not have any significant historic merit that would warrant its retention and the existing rear flat roofed extension also is not particularly visually attractive.

16.5 The frontage hedge is to be retained and this will retain this attractive feature and preserve the character of the street scene in this respect too.

16.6 In terms of layout, the site is considered to be large enough to accommodate a dwelling of this footprint without appearing cramped or representing an overdevelopment of the site. There are sufficient gaps between the dwelling and both side boundaries and the positioning of the dwelling also respects the building line in the street, being a bit further forward than the neighbouring dwelling to the West but slightly further back than the dwelling to the East in a varied street scene.

Impact upon neighbouring residential amenity

16.7 It is considered that the proposed dwelling is in such a location to avoid appearing 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. The reduced gable width of the proposed dwelling means that the rear of the dwelling does not project as far as the neighbouring property (89a). In addition the rear 1 1/2 storey wing has been positioned on the part of the rear elevation as far as possible from the neighbouring dwelling (89a) with the single storey element being the element closer to 89A, avoiding an overbearing impact.

16.8 Accordingly, there are no concerns regarding loss of light as the combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide.

16.9 Now that the rear facing dormer has been omitted, 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 other first floor rear window would face towards the rear garden of the application site rather than directly facing the neighbouring dwelling and garden area. The side facing bathroom window can be obscure glazed to a height of 1.7 m above floor level in order to avoid overlooking from these windows, as can the rooflights.

16.10 It is not considered that there would be a significant impact upon neighbouring amenity from noise and disturbance from the manoeuvring of cars that would potentially use the car parking spaces on site. Whilst these spaces are close to the neighbouring boundaries this does not change the existing potential provision on site notwithstanding there may be a covenant restricting parking on site.

Highway Safety and Parking

- 16.11 It is considered there is ample space for vehicles to reverse into Spring Lane and to then enter Chapel Road in forward gear. Two car parking spaces are shown and do not represent a significant change to what exists on site apart from the removal of a small 'garage' type building and its replacement with a space. The parking spaces are also considered to be of sufficient size to meet the highway standards: one meets the preferred 5.5m by 2.9 m, and the second, being 3 m x 5m exceeds the minimum 2.5 x 5m bay size which can be allowed in certain circumstances where there are particular constraints as referred to in Policy DP19. It is not considered an objection can be raised to this parking arrangement given that this is a replacement dwelling and the existing dwelling exists without conditions controlling parking provision.
- 16.12 The fact that permission may be granted by the Local Planning Authority for the use of Spring Lane for potentially additional cars does not overrule any private property rights or covenants in respect of the use of this lane. The parking condition will be applied and will need to be complied with if the development is to be implemented.

Private Amenity Space Provision

- 16.13 The proposal shows the provision of just over 100m² of private amenity space for the dwelling. This accords with the provisions of Policy DP16 which states that for 3 bed roomed houses a minimum of 60m² of private amenity space should be provided and for 4 bedroom houses, 100 m² should be provided. On the plans a downstairs study/bedroom is shown, so potentially there could be a 4th bedroom.

Other Matters

- 16.14 There are no trees or vegetation of significance that would be affected by the proposal. The low frontage hedge would be retained.
- 16.15 There are no archaeological implications so the proposal would not conflict with Policy DP14 which aims to protect features of archaeological interest.
- 16.16 It is not considered there would be a detrimental impact upon wildlife on the site. There is no requirement for a wildlife mitigation (RAMS) as the proposal does not create an additional dwelling. Accordingly, it is not considered the proposal would contravene Policy DP21 which aims to conserve or enhance biodiversity.

17.0 Conclusion

- 17.1 To summarise it is considered that the design, scale, form and layout of the dwelling would be in keeping with the character of the street scene and surroundings and would not represent an overdevelopment of the site. It is not considered there would be any significant impact upon neighbouring residential amenity owing to the positioning and scale of the dwelling and proximity to neighbouring property. A rear dormer has been omitted to

ensure there would not be overlooking. There are no objections from the Highway Authority and the scheme would not be detrimental to highway safety. There is room for parking provision on site although it is unclear whether or not this site is allowed parking under a Covenant. Whilst this is not a change from the current situation, the parking provision will need to be complied with if the permission is to be implemented. There would be adequate private amenity space provision in accordance with Local Plan Policy.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM – Development in Accordance with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: P01d and P02d received 31/10/19, P03 received 29/8/19.

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

3.ZBC – Materials To Be Agreed

Notwithstanding the submitted details, no external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4. Non Standard Condition – Parking Provision

All off street car parking shall be provided as shown on drawing P02d prior to occupation of the new dwelling and shall be maintained free from obstruction and retained thereafter.

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

5. Non Standard Condition - Construction Management Plan

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

approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

6. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times; Weekdays: 08:00-18:00, Saturdays: 08:00-13:00 , Sundays and Bank Holidays: No working.

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

7.ZFQ- Tree and Natural Feature Protection

No works shall take place until the front and side boundary hedging has 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 on the site.

8.ZDF- Removal of PD Obscure Glazing

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), any rooflights with a bottom cill that is not a minimum of 1.7 m above first floor level, and the 1st floor bathroom windows in the side elevation shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity (1.7 m above floor level) 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.

9. ZDC - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority. This permission does

not grant approval for any shed/outbuilding on site.

Reason: In the interest of visual amenity and neighbouring residential amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

10. Non-Standard Condition – Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared that is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

19.0 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 Highway Informative

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 or by post

to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

4. Non-Standard Informative

This permission does not grant permission for the erection of sheds as shown on the layout plan which are deemed to be shown as for illustrative purposes only and no elevations are shown.

5. Non-Standard Informative

Any asbestos on site will need to be removed by a Licensed Contractor.



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Item No: 7.4

Application: 192560

Applicant: Mrs V Bond

Agent: Mr Steve Norman

Proposal: Application to vary condition 1 of planning permission 190212 to permit relocation of parking space to improve visibility splay (Parking for dwelling approved under application No. 170475).

Location: 65a John Kent Avenue, Colchester, Colchester, CO2 9HE

Ward: Shrub End

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Pauline Hazell who states: "To allow access and egress on this corner would be dangerous. John Kent Avenue is a bus route and a busy road. The junction with Smallwood is narrow."

2.0 Synopsis

- 2.1 Planning permission to convert a recently constructed extension to a dwelling has already been previously approved. The key issue now for consideration is the revised layout which shows a slight relocation of the approved parking space off Smallwood Road serving 65A. Accordingly the impact upon highway safety, residential amenity and the character of the area needs to be considered along with an assessment as to whether the revised layout complies with the standards of private amenity space as outlined in Policy DP16.
- 2.2 The application is subsequently recommended for Approval. The revision is very minor and is not detrimental to highway safety. The provision of private amenity space for each dwelling meets the standards outlined in Policy DP16 and there is no detriment to neighbouring residential amenity. It is not considered that the character of the area has been compromised with this minor revision so the proposal also complies with Policy DP1. Accordingly, it is not considered an objection can be raised to the variation of Condition 1.

3.0 Site Description and Context

- 3.1 The site lies within the settlement limits and consists of a corner plot on a housing estate. Planning permission was granted in 2017 (170475) to convert a recently constructed 2 storey side extension to the host dwelling to an independent two-bedroom dwelling. This entailed converting the garage to a living room, providing extra parking at the front and a new access and parking space along Smallwood Avenue. Amenity space was also split, with the original dwelling retaining the majority of the garden (around 220m²) and the new dwelling being provided with approximately 75m² of private garden. A subsequent revision was approved under application 190212 with number 65 having an amenity area reduced to 60m² and the newer dwelling having approximately 220 m² of amenity space, subdivided by a pathway that serves the new dwelling.

4.0 Description of the Proposal

- 4.1 The proposal is now to vary Condition 1 approval 190212 to permit relocation of the parking space adjacent to Smallwood Avenue, which is one of the two spaces that serve 65A. The revision relates to the approved drawings and essentially slides the position of the approved parking space in Smallwood Road approximately 1.45 metres closer to number 65A in order to allow the provision of the required pedestrian visibility splay without imposing upon land owned by number 65. This revision slightly reduces the amount of amenity

space provided for number 65a to approximately a total of 110 sqm albeit in two parts subdivided by the path to number 65, as before.

5.0 Land Use Allocation

- 5.1 Settlement limits
Residential Area

6.0 Relevant Planning History

- 6.1 190212 Application to vary condition 2 of planning permission 170475. Approved 5/4/19
- 6.2 170475 - Conversion of recent addition to dwelling into a separate dwelling house with provision of associated parking facilities. Approved 13/4/17.
- 6.3 182818 - Erection of a 2 bedroom detached dwelling house with associated parking facilities. Withdrawn 21/12/18

7.0 Principal Policies

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

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
DP21 Nature Conservation and Protected Lanes

- 7.4 Some “allocated sites” also have specific policies applicable to them. 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 Documents (SPD):

The Essex Design Guide
EPOA Vehicle Parking Standards
Backland and Infill
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.

- 7.6 The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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 Highway Authority states:

The Highway Authority does not object to the proposals as submitted.

Informative1: 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 or by post to:
SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

9.0 Parish Council Response

9.1 Non-Parished

10.0 Representations from Notified Parties

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

10.2 5 letters of objection have been received which raise the following points:

- How many times has applicant changed the conditions of this site ? She was granted 1 parking space off Smallwood road and 1 parking space off the corner of John Kent avenue. If there are going to be 2 cars parked on the driveway in John Kent avenue, it is on a junction, where traffic has poor visibility at the best of times. The conifers that have been planted at the front are not trimmed, causing further problems with visibility.
- Now 4 cars to one plot that have visitors that frequently park on the pavement of the junction. A there are also cars that park immediately opposite of the junction in John Kent Avenue.
- What is purpose of application? Future space to develop land? Why variation not done at same time as previous variation?
- Property was described as a family home by the applicant. The front door has been boarded up most of the year, and still is.
- Officers need to look at this with his eyes wide open and the bigger picture of the applicants reasons. – Future development.
- Have had months of building work.
- If more bays go, no one will be able to park in Smallwood. More car damage. Should have double bay in my garden.
- No one has approached us about any fences.
- House left empty year.
- Unnecessary- space completed already.
- Will push driveway closer to busy corner. Already near misses and parking is limited.
- driveway would make less parking and cause more unnecessary noise and disruptions.
- Plans not correctly drawn on this and previous application. Do not show current layout, and lack of scale bar.
- If this is to be approved plan, should show dimensions and show correct current layout.

- Associated garden, that which joins 65a, is already incredibly small.
- No other gardens on John Kent Avenue, Smallwood or even possibly other parts of Shrub End are designed or laid out in this fashion.
- could the installation of a visibility mirror(s) rectify any issues caused by the reduced splay to one side and still meet road safety regulations?

10.3 Two letters of support have been received which make the following comments.

- live directly opposite the junction of Smallwood Road and John Kent Avenue and can see no reason to object to the planned relocation of a parking space at 65a John Kent Avenue.
- Support this application as it will greatly improve this location.

11.0 Parking Provision

11.1 2 spaces per dwelling.

12.0 Accessibility

12.1 Compliant with Policy DP17 (accessibility and Access).

13.0 Open Space Provisions

13.1 N/A

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 The principle of the subdivision of the plot into two dwellings has already been previously agreed under application 170475 with revision of garden areas approved under application 190212. The only difference between this and the previous scheme is the revised layout which shows a slight relocation of the approved parking space off Smallwood Road serving 65A. It would be moved 1.45 metres closer to the number 65A. This is considered acceptable in highway safety terms as it allows for the provision of the required pedestrian visibility splay. The Highways Authority have made no objections.

- 16.2 The provision of private amenity space for each dwelling continues to meet the standards outlined in Policy DP16 and there is no detriment to neighbouring residential amenity. It is not considered that the character of the area has been compromised with this minor revision so the proposal also complies with Policy DP1. Accordingly it is not considered an objection can be raised to the variation of Condition 2.
- 16.3 The issues raised by objectors have been carefully considered. However, the principle of subdivision and also of the other parking and access arrangements onto John Kent Avenue have been previously agreed and this proposal does not affect these issues in any significant way. There is not a reason to object to the application on the grounds of the quality and accuracy of the plans. The plans are annotated at scale 1:200. The application has been submitted to ensure that the pedestrian visibility splay as required by condition can be provided on land within the applicant's control. There is still some on street parking available in the vicinity and the Highway Authority have not objected to the arrangements.

17.0 Conclusion

- 17.1 To summarise, the revision of the parking space is very minor and is not detrimental to highway safety. This will ensure the provision of an appropriate pedestrian visibility splay. The provision of private amenity space for each dwelling meets the standards outlined in Policy DP16 and there is no detriment to neighbouring residential amenity. It is not considered that the character of the area has been compromised with this revision, so the proposal also complies with Policy DP1. Accordingly, it is not considered an objection can be raised to the variation of Condition 1.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions (includes previous conditions restated where applicable):

1. 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: location plans, and 1709/5 rev C received 15/10/19.

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

2. Non-Standard Condition – Parking Provision

The vehicle parking areas indicated on the approved plans (4 spaces of 2.9 m x 5.5 m each) and vehicular access with pedestrian visibility splays, shall have been hard surfaced, and made available for use to the satisfaction of the Local Planning Authority within 3 months of the date of this approval. The vehicle parking areas and access shall be retained in this form at all times and the parking areas shall not be used for any purpose other than for the parking of vehicles that are related to the use of the development and existing dwelling.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

18.0 Informatives

18.1 The following informatives are also recommended:

1. Non-Standard Highway Informative.

The applicant should note that additional dropped kerbs will be required. 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 or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

2. ZT0 – Advisory Note on Construction & Demolition

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

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 withstand 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

Supreme Court Decision 16 October 2017

CPRE Kent (Respondent) v China Gateway International Limited (Appellant).

This decision affects the Planning Committee process and needs to be acknowledged for future reference when making decisions to approve permission contrary to the officer recommendations.

For formal recording in the minutes of the meeting, when the Committee comes to a decision contrary to the officer recommendation, the Committee must specify:

- Full reasons for concluding its view,
- The various issues considered,
- The weight given to each factor and
- The logic for reaching the conclusion.

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.

