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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 220m<sup>2</sup>) and the new dwelling being provided with approximately 75m<sup>2</sup> of private garden. A subsequent revision was approved under application 190212 with number 65 having an amenity area reduced to 60m<sup>2</sup> and the newer dwelling having approximately 220 m<sup>2</sup> 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](mailto: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](mailto: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.