



Application No: 161181

Location: Laborne, Chapel Lane, West Bergholt, Colchester, CO6 3EF

Scale (approx): 1:1250

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7.2 Case Officer: James Ryan

Due Date: 31/08/2016

Site: Laborne, Chapel Lane, West Bergholt, Colchester, CO6 3EF

Application No: 161181

Date Received: 12 May 2016

Agent: Dean Jay Pearce Architectural Design

Applicant: Waterson Homes Ltd

Development: Proposed development of 2no two-storey dwellings, associated garage/stores & associated works including upgrading of existing vehicular access (Following demolition of existing dwelling).

Ward: Lexden & Braiswick

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it was called in by Cllr Willets for the following reason: The application appears to contravene policy DG7 of the West Bergholt Village Design Statement namely that the proposed development in out of proportion with existing properties. While not opposed in principle to development of the site, the proposal must comply with the policies of the VDS.

2.0 Synopsis

- 2.1 The key issues explored below are the principle, the scale and the design of the development. The impact the scheme will have on neighboring amenity is also assessed. On balance the scheme is held to be acceptable and therefore an approval is warranted.

3.0 Site Description and Context

- 3.1 Laborne is a detached bungalow located off Chapel Lane in West Bergholt. It is of limited architectural merit but is 'of its time'. It sits on a relatively spacious plot and has a well-manicured garden. There is a well maintained conifer hedge on the eastern boundary. The plot slopes to the south and east down towards the garden of 1 Valley View, one of the detached houses in a cul-de-sac of similar dwellings. Pairs of semi-detached dwellings sit to the north of the site on Valley Crescent. A scheme approved by Members at Homecroft sits to the south west.

4.0 Description of the Proposal

- 4.1 The demolition of the existing bungalow and the construction of two detached four bedroomed dwellings are proposed along with garages, a parking area and private amenity spaces to the rear.

5.0 Land Use Allocation

- 5.1 The land sits within the settlement development boundary of West Bergholt.

6.0 Relevant Planning History

- 6.1 There is no planning history on the site relevant to the scheme.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
PR1 - Open Space
TA5 - Parking
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP25 Renewable Energy

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

N/A

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

Backland and Infill
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Cycling Delivery Strategy

- 7.6 Village Design Statement

West Bergholt has a village design statement which is also relevant to this scheme.

8.0 Consultations

- 8.1 In-house Urban Design: I would support the application which appears well designed in response to the local area and immediate context, subject to reassurance over certain (missing) details (e.g. sub-cills) and any key materials the case officer sees fit to condition.
- 8.2 Environmental Protection: No objection subject to condition regarding hours of work and unexpected contamination.
- 8.3 Highway Authority: No objection to the scheme subject to conditions.

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

9.0 Parish Council Response

- 9.1 The Parish Council commented as follows:

Many of the Parish Council's initial concerns regarding the development's layout and density have now been addressed. However, it still contravenes the CBC approved Village Design Statement, DG7 the proposals are out of proportion with existing properties. As this indicates the Parish Council still has concerns regarding the height and the impact of the buildings on the neighbouring properties along the street, specifically the recently approved bungalow development at Homecroft.

The Parish Council also has concerns regarding existing surface water run-off that currently affects No.1 Valley Crescent during heavy rain. The PC would like to see a condition to ensure any new development incorporates large SW storage tanks to prevent further SW flooding, also all hard paved areas on site are to be permeable.

10.0 Representations

10.1 21 objections were received. It is beyond the scope of this report to paraphrase them all and they can all be read in full on the online system, however in summary these objected to the scheme on the following grounds:

- Scheme does not comply with the VDS.
- Scheme amounts to overdevelopment.
- Scheme is not modest, it is two, four bedroom dwellings.
- The dwellings are too large.
- Bungalows for downsizing are what is needed for large houses.
- The proposal is incongruous.
- The proposal does not sit comfortably in the street-scene.
- Scheme is harmful to neighbouring amenity in terms of loss of light, oppressiveness and overlooking.
- Scheme is harmful to the interests of highways and pedestrian safety.
- The site is on a blind bend.
- The residents will end up parking on the road.
- There is no footway along this section of the road.
- Off-street parking for six cars would result in a great deal of vehicle movements and the road cannot take it.
- The Homecroft scheme is opposite.
- The amendments have made no difference to the scheme.
- The proposal is too high density.
- The site slopes which will cause run off issues.
- This will cause the loss of views.
- The current bungalow should be updated and retained.
- Chapel Lane is 'a lane' and it has had enough development and plot subdivision. Enough is enough.
- The scheme will be urban in its layout.
- Plot 2 is too close to the side boundary.
- How will contractors park during the build phase?

Officer response:

The issues raised have been carefully considered. The compliance with the VDS including the level of development, the scale, massing, design and impact on neighbouring amenity are set out in the report. There is no policy reason to require bungalows for downsizing – all type of houses are in demand nationally. The renovation of the existing bungalow may be preferable to some of the residents but it would not provide a new dwelling on site as this scheme will. The scheme has not generated an objection from the Highway Authority and therefore it is held to be acceptable in that regard. Planning does not seek to protect views. Parking during the construction phase will be dealt with the Construction Management Statement Condition.

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

11.0 Parking Provision

- 11.1 The scheme provides two parking spaces per dwelling that accord with the adopted standards. Further to this there is potential for more parking on the frontage and there is also one garage per dwelling that meets the adopted internal standards of seven metres by three metres. Therefore this scheme exceeds the requirements of the adopted standards.

12.0 Open Space Provisions

- 12.1 The two dwellings have 155 square metres and 125 square metres of private amenity space respectively to the rear which is significantly in excess of the adopted standards. The scheme generates no further open space requirements.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Design and Layout:

- 15.1 As originally submitted this scheme proposed a more contemporary design. Officers felt that the original scheme did not constitute a high quality design solution and the mass and layout constituted cramped development.
- 15.2 The agent then submitted an amended scheme which is before Members now. The two dwellings have been marginally scaled back in size and have been pulled away from each other to reduce the cramped appearance and increase the sense of visual spaciousness.
- 15.3 The design has been amended to a pair of dwellings with more visual interest and more potential for high quality detailing. It picks up on some of the features of the older houses in the area, with slack pitched slate roofs, timber sash windows and brick arches. Plot two has a first floor feature window on its publically visible flank. The in-house Urban Designer has asked for a condition to further increase the level of detail – for example to deal with the window cills. On that basis it is held that the two dwellings proposed will be of a design quality that is acceptable in context. The distances to boundaries are also held to be acceptable.

Scale, Height and Massing:

- 15.4 The Parish and the Ward Member are of the opinion that that the scheme fails to comply with the adopted Village Design Statement as the proposals are out of proportion with existing properties and therefore fail to accord with VDS statement policy DG7.

The policy states:

Buildings must be in harmony with the surroundings in respect of materials, colour, texture, proportion and scale. There is a fine balance between preservation and progress.

This has been considered in some detail. It is not held that this scheme is out of proportion in terms of scale, height and massing. The two dwellings are designed to be attractive buildings in their own right. They have not been designed to 'shy away'. They are not considered to be out of scale with the neighbouring development particularly when considering the large detached dwellings that make up Valley View. This scheme is design to provide and attractive gateway to this cul-de-sac and on that basis it is considered to accord with both the VDS and the 'Backland and Infill' SPD.

Impact on the Surrounding Area:

- 15.5 This scheme is considered to have a positive impact on the surrounding area. The existing bungalow is of very limited architectural merit. The two proposed dwellings are well designed with interesting design features. They will preserve the setting of Church Lane which is attractive but holds no particular designation in policy terms. The scheme is therefore held to accord with adopted policy.

Impacts on Neighbouring Properties:

- 15.6 As a change from one bungalow to two detached two storey dwellings, it is very important to assess the impact the scheme on the neighbouring dwellings. The neighbours at 2, 4 and to a certain extent 6 Valley Crescent to the north will experience a change in outlook as they are two storey dwellings that look out over the existing bungalow. They will have a view of more building form but this is not held to be materially oppressive nor will it cause materially harmful loss of light to these gardens. One small window is proposed in the north facing first floor flank of plot 1. However this serves the landing, is set back from much of the flank in the side of the projecting element which increases the level of isolation to the common boundary and can be conditioned to be obscure glazed and fixed shut in any event.
- 15.7 To the east is number 1 Valley View which is a one of the larger detached 'executive' style dwellings that make up this cul-de-sac. This dwelling has a secluded and well-hedged garden. The main sitting out area is beyond a ground floor projecting element which screens it from the view of the proposed first floor bedroom windows. The side to back distance from the first floor of the proposed dwellings to the common boundary is 12 metres, with number 1's main sitting out area being beyond their extension approximately 21 metres away. This is considered to be within tolerable limits and therefore any increase in overlooking to this garden is not held to be materially harmful.

- 15.8 It is also important to consider the impact on the recently approved bungalows to the south on the Homecroft site. The first floor side facing window in plot 2 comprises one window serving the landing and one feature half-moon secondary window serving one of the bedrooms. As these would look out over the public domain to the garden of plot 1 of the Homecroft scheme, it is considered prudent to fix shut and obscure glaze these two windows to avoid future overlooking issues.

Amenity Provisions:

- 15.9 Plot 1 has 155 square metres and plot 2 has 125 square metres of private amenity space located to the rear in a useable regular shape to the rear. This is significantly in excess of the adopted standards which require 100m².

Highway Issues:

- 15.10 The Highway Authority has no objection to this scheme. It is therefore not held to cause material harm to interests of highway safety. The parking provision is in excess of the adopted standards and on site turning is available unlike a number of dwellings in the area.
- 15.11 The Highway Authority has requested two conditions that do not pass the 'six tests' set out in the PPG. The sustainable transport mitigation 'Travel Packs' condition is not necessary as the dwelling is located in a sustainable location and therefore this condition is not needed to make the scheme acceptable. The condition requiring the garage to be used only for the parking of cars is also not considered to be reasonable as the scheme provides off street parking in accordance with the standards without counting the garages as spaces. It is therefore suggested that these two conditions are not imposed.

Other Matters:

- 15.12 There are no trees on site that are worthy of retention. The simple landscaping condition will be imposed to secure the approval of a landscaping scheme to ensure the scheme is landscaped along the lines of the indicative landscaping shown on the proposed site plan. The site is not located in Flood Zone 2 or 3.
- 15.13 The scheme is proposed on a land locked site with a well maintained garden. It is not therefore considered to be likely to be suitable habitat for protected species. There is a small domestic pond on site, however in January 2016 this was emptied and fully drained and the GRP liner broken to prevent refilling so it is not considered to be suitable habitat for amphibians.
- 15.14 The Parish has noted rainwater run off issues. A condition to deal with this issue will be imposed based on this local knowledge.

16.0 Conclusion

- 16.1 This scheme proposed the redevelopment of the site to provide the net gain of one new dwelling within the settlement limits. It is therefore acceptable in principle. In terms of detail it is considered to be a well-designed scheme that meets the sentiments of the West Bergholt VDS, the Development Plan and National Policy.

17.0 Recommendation

17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 16/40/02/ Rev A, 16/40/03 Rev A, 16/40/04 Rev A, 16/40/05 Rev A.

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

3 - Materials to be Agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction 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 - 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.

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

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

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows in Plot 1 at first floor level serving the landing on the north (flank) elevation and the two windows at first floor level in the south (flank) elevation of Plot 2 shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

6 - Simple Landscaping Scheme Part 1 of 2

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

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

7 -Simple Landscaping Scheme Part 2 of 2

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

8 - 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: not at all

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/Reason

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and the Essex Contaminated Land Consortium's "Land Affected by Contamination: Technical Guidance for Applicants and Developers".

Reason: The site lies approximately 20m from an unknown infill where there is the possibility of contamination.

10 - Non-Standard Condition/Reason

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

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

11 - Non-Standard Condition/Reason

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

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

12 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

13 - Surface Water Drainage into Highways

No works shall take place until details of a wheel washing facility within the site and adjacent to the egress onto the highway have been submitted to and approved, in writing, by the Local Planning Authority. The wheel washing facility shall be provided at the commencement of the development and maintained during the entire period of construction unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

14 - 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 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.

15 - Non-Standard Condition/Reason

No development shall take place until a scheme showing additional elevation architectural detailing has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details. Reason: This scheme has been amended in design terms throughout the application period and the elevations are now improved but require a further level of detail to fully comply with adopted policy including the VDS. It is suggested that the plans submitted provide more detail with regards to the design elements implied on the amended drawings, for example the brick arches, projecting brick plinth, projecting corner brickwork, window sub-cills, exposed rafter feet, string courses and leaded entrance canopy and associated supporting framework.

16 - *Smallscale Non-Residential Boundary Treatments

No works shall take place until details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first OCCUPATION of the development and shall thereafter be retained in the approved form. Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

17 - Site Levels Plan

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

19.0 Informatives

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

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

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

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

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

20.0 Positivity Statement

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