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**Item No:** 7.2

**Application:** 220150

**Applicant:** Colchester Colchester Borough Council

**Agent:** Mrs Rebecca Howard

**Proposal:** Redevelopment of site to involve the demolition of the existing garages on site, and provision of 3 no. new dwellings

**Location:** Land to the rear of, Hedge Drive, Colchester

**Ward:** Shrub End

**Officer:** Nadine Calder

**Recommendation:** Approval

## **1.0 Reason for Referral to Planning Committee**

- 1.1 This application was discussed at the Planning Committee of the 31<sup>st</sup> March 2022 when a decision on the application was deferred due to a lack of consultation having been carried out by the applicant with tenants of the garages affected by this proposed development. Queries were also raised with regard to the height of the proposed development.
- 1.2 These matters will be addressed separately in the following paragraphs. The additional information that was requested at the Committee does not have an impact on the assessment of the proposed development which has previously been carried out by your Officers, as they simply relate to a proper consultation exercise and clarification on dimensions. The recommendation therefore remains one for approval subject to relevant conditions, as per the report that was presented to Members on the 31<sup>st</sup> March 2022. This report can be found at Appendix 1 below.

### Consultation with existing garage tenants

- 1.3 Following the Committee's decision to defer the application pending additional consultation to be carried out with existing tenants of the affected garages, the applicant has written to tenants to inform them that the garages they are renting are on a site that has been selected for development potential for affordable housing as part of Colchester Borough Council's ambition to deliver 350 new council homes.
- 1.4 The letters explained that if the site is redeveloped the Council would seek to ensure that people who are renting a garage are offered an alternative solution. Attached to the letter was a questionnaire, encouraging tenants to provide information on what they use the garage for and whether they would like to work with the Council to find an alternative garage facility should the site be granted permission to be redeveloped.
- 1.5 Out of the 39 garages on the site, 26 are rented. The consultation exercises have resulted in nine responses being submitted at the time of writing this report. Should any more responses be received before the Committee date, then they will be reported via the Amendment Sheet.
- 1.6 Four out of the nine respondents indicated that their garage is used for storage purposes only, two for a mixture of storage and parking, one for storage and the parking of a mobility scooter, one for the storage of a trailer and one for purely parking purposes.
- 1.7 All eight tenants explained that they would like the Council to work with them to find an alternative solution for their needs. As previously explained, the Council is willing to do this and is already in the process of trying to match existing vacant garages to tenants, or explore alternative solutions, in an attempt to keep any impact to a minimum, should planning permission be granted.
- 1.8 The above not only shows that a proper consultation with tenants has now been undertaken, it also becomes evident that, based on the responses received to

date, more than half of the garages are not used for the parking of vehicles. This would indicate that a limited number of cars would need to be displaced onto the surrounding roads, should planning permission for the proposed development be granted.

### Height of development

- 1.9 The proposed development, due to its location behind the existing built form along Hedge Drive, Paxman Avenue and Hazell Avenue represents a backland form of development. Nevertheless, the height of the proposed development was queried and this has since been confirmed as follows:
- The two storey dwellings measure 5.1m to the eaves and 8.6m to the ridge; and
  - The bungalow measures 2.3m to the eaves and 4.6m to the ridge.
- 1.10 The development is considered to be of relatively standard dimensions. Furthermore, any glimpses towards the site from Hedge Drive, which is characterised by bungalows, would reveal a well designed and articulated development. The proposal is therefore considered to make a positive contribution towards the visual amenity of the surrounding area.

### Other matters

- 1.11 Queries were also raised during the meeting, and by local residents, why this site is proposed for redevelopment when the garages have only recently been refurbished.
- 1.12 It has been confirmed that the garages were refurbished in 2015. The rent from the garages since their refurbishment has covered the cost of the works that have been carried out. Furthermore, should the garages be demolished, the Garages team will transfer the doors to other garages in the Borough that are awaiting a replacement door. Other fittings, such as metal fascias, guttering, downpipes and roof sheets are also proposed to be reused elsewhere if possible.

### Conclusion

- 1.13 The above is considered to fully address the concerns that have been raised at the previous Committee meeting, which led to the deferral of this application. Members of the Planning Committee are respectfully requested to consider this additional clarification provided in conjunction with the original Committee Report (provided at Appendix 1, starting on the next page) which assesses the proposed development in detail, concludes that the proposal meets the requirements of the Development Plan and therefore recommends that planning permission be granted subject to the recommended conditions

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Amphora Homes Limited on behalf of Colchester Borough Council.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the principle of the proposal, the design, scale and form, its impact on neighbouring amenity in terms of outlook, light and privacy and provision of parking. These matters have been considered alongside planning policy requirements and other material matters, leading to the application being subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application site lies within the defined settlement limits for Colchester. It currently accommodates three flat-roofed blocks of garages which are offered for rent (managed by Colchester Borough Homes). A total of 39no. garages are on site. The garages appear to be in a reasonable state of repair.
- 3.2 The site is irregular in shape, with no road frontage. It is bounded by residential development to all sides. Access to the site is gained off Hedge Drive in the south eastern corner of the site.

## **4.0 Description of the Proposal**

- 4.1 The proposal includes the demolition of the existing garages and the construction of two 2-bedroom semi-detached dwellings and one 2-bedroom bungalow (Cat 3) with associated landscaping, parking and private amenity provision. The proposal is to be 100% affordable and would be owned by Colchester Borough Council and managed by Colchester Borough Homes.
- 4.2 In terms of the external appearance of the development, the scheme would comprise a pair of semi-detached properties and a detached bungalow. The palette of materials includes red brick, buff brick, and rockpanel cladding.

## **5.0 Land Use Allocation**

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

## **6.0 Relevant Planning History**

- 6.1 There is no planning history that is particularly relevant to this proposal. The proposal was however the subject of preliminary discussions in late 2020/early 2021 which helped informing the final 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 be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

### 7.2 Local Plan 2017-2033 Section 1

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP7 Place Shaping Principles

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

7.3 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

ER1 - Energy, Resources, Waste, Water and Recycling

7.4 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  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP19 Parking Standards

7.5 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

7.6 The site does not lie in a Neighbourhood Plan Area.

7.7 Submission Colchester Borough Local Plan 2017-2033:  
The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at an advanced stage having undergone examination hearing sessions in April 2021 and recent consultation on modifications. Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to complete full and final examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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.

7.8 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  
Affordable Housing  
Open Space, Sport and Recreation  
Sustainable Construction  
Managing Archaeology in Development.

## **8.0 Consultations**

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

- 8.2 The Archaeological Advisor does not object to the proposal subject to a condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 8.3 The Contaminated Land Officer does not object to the proposed development subject to conditions, including site characterisation, submission of remediation scheme, implementation of approved remediation scheme, reporting of unexpected contamination and a validation certificate.
- 8.4 Environmental Protection raise no objection to the proposal subject to conditions, including the submission of a construction method statement and limits to hours of work and an informative relating to EV charging points.
- 8.5 The Landscape Advisor does not object to this proposal subject to conditions.
- 8.6 The Highway Authority does not object to the proposal subject to conditions, including the provision of vehicular turning facilities for service and delivery vehicles, the provision of turning area and off street parking prior to the first occupation of the proposed development, provision of details for cycle storage and the provision of a construction management plan.

## **9.0 Parish Council Response**

- 9.1 This area is 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 Four neighbouring occupiers and the Colchester Cycling Campaign commented on the application, either objecting or making a general observation. The concerns that were raised (and are relevant to this application) can be summarised as follows:
- No to any building/development on this site;
  - Garages are all (or mostly) occupied;
  - Do not want my rear garden wall knocked down, leaving garden open to a building site;
  - Do not wish to lose the garage I rent;
  - First floor side facing window to be obscure glazed to avoid overlooking of neighbouring gardens; and
  - Convenient secure cycle parking should be provided at one space per bedroom

## **11.0 Parking Provision**

- 11.1 The Vehicle Parking Standards SPD, to which Development Policy DP19 refers, provides the parking standards for residential development. The adopted standard for dwellings of two or more bedrooms is a minimum of two car parking spaces per dwelling plus a minimum of one secure covered cycle space per dwelling (unless a secure area can be provided within the curtilage of the dwelling). Visitor car parking is also required at a rate of 0.25 spaces per dwelling (rounded up to the nearest whole number).
- 11.2 The proposal provides two parking spaces per dwelling plus one visitor space and the proposed provision therefore complies with the adopted standards. However, the scheme affects tenanted garages. This will be further assessed in the main body of the report below.

## **12.0 Accessibility**

- 12.1 With regards to the Equalities Act and compliance with policies DP12 and DP17 that detail requirements in terms of accessibility standards the scheme involves a wheelchair unit and has been designed to be inclusive, accessible and adaptable. As the development will be owned and managed by Colchester Borough Homes there is the scope and budget to manage the units in accordance with the needs of the occupants.

## **13.0 Open Space Provisions**

- 13.1 The proposed dwellings have adequate amenity space overall.

## **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 application site lies within the settlement boundary for Colchester and an area that is residential in character where development such as that proposed is considered to be acceptable in policy terms; subject to the development satisfying all other aspects of the Development Plan. These are assessed in detail in the following paragraphs.

### Affordable Housing Need

- 16.2 Providing more affordable homes is a key corporate strategic priority of the Council, because of the unmet demand that exists. To this extent, the Council has set up a Housing Company, Colchester Amphora Homes Limited (CAHL), to develop mixed-tenure housing schemes with 30% affordable homes alongside private sale property. CAHL have also been appointed to deliver 100% affordable housing on a number of sites, including the development of garage sites.
- 16.3 This application is one of several submitted concurrently by CAHL for affordable housing on under-used Council owned, Colchester Borough Homes (CBH) managed garage sites. These applications are the result of ongoing work by the Council to find innovative ways of enabling more affordable housing to be built, in line with stated Council priority objectives.

#### Design, Layout and Impact on Surrounding Area

- 16.4 At the heart of the National Planning Policy Framework (the Framework), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development and the Framework indicates that new development should respond to local character and should reflect the identity of its surroundings. This is reflected in Development Policy DP1 and Core Strategy Policy UR2. These policies state that all proposals should be well designed, having regard to local building traditions, and should be based on a proper assessment of the character of the application site and the surrounding built and natural environment.
- 16.5 Owing to the site's set back from Hedge Drive to the rear of the built frontage, it represents a backland form of development. The site is surrounded by residential rear gardens belonging to dwellings fronting Paxman Avenue to the north and east, Hedge Drive to the south and Hazell Avenue to the west. There would be no public views available towards the proposed dwellings. The proposal comprises of a pair of semi-detached dwellings and a detached bungalow. The surrounding area is characterised by mainly semi-detached or terraced dwellings/bungalows of no particular architectural merit. The external materials for the proposed development include a mixture of red brick and buff brick with rockpanel cladding to add visual interest to the development. The arrangement of the cladding feels a little awkward however, it does help breaking down the mass of the building and given the limited public visibility of the development, it is not considered that this element of the proposal would result in any significant material harm to the visual amenity of the surrounding area. The use of brick for the main bulk of the proposed development would ensure that the proposal respects the existing built development that surrounds the site, with the introduction of contrasting materials elevating the appearance of the proposed development.
- 16.6 Paragraph 134 of the Framework makes it clear that great weight should be given to proposals that help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Whilst the design of the proposed development in itself is not outstanding, as referred to in the Framework, it is considered that a more contemporary

approach to the proposed development would create some visual interest in an area that is otherwise very repetitive in design and appearance. The visual amenity of the surrounding site would therefore be improved, even if this amenity is only private and not public due to the backland location of the development. As a result, the proposal is held to be acceptable in terms of its overall design, appearance and impact on the surrounding area.

#### Impact on Neighbour Amenities

- 16.7 The proposed development would be located amongst existing residential development. Consideration needs to be given as to how the proposal would affect the occupants of nearby residential properties in terms of loss of light, privacy and overbearing impacts.
- 16.8 Neighbouring properties along Hedge Drive to the south east of the site are bungalows whereas neighbouring properties to the north and west are two storey dwellings. The scheme has been designed to reflect and respect adjoining neighbouring properties by way of providing a bungalow adjacent to the south eastern boundary of the site and raising the building height to two storey to the north of this.
- 16.9 The proposed two storey dwellings would be located at a 90 degree angle to existing properties to the north with the bungalow facing neighbouring properties to the south east of the site at a slightly lesser degree angle. The single storey nature of the bungalow would however alleviate any potential concerns with regards to the orientation of this property. The dwellings are proposed a significant distance from the nearest neighbouring properties and this would ensure that there would be no unacceptable impacts in terms of loss of light or overbearing impacts on neighbouring occupiers. The proposal has also been carefully considered with regards to retaining the privacy of existing neighbours and future residents of the proposed development. The two storey dwellings therefore only benefit from one first floor side facing window and this would serve the landing, i.e. a non-habitable room. As such, the proposed development would not negatively impact the privacy of future occupiers of the proposed development. The bungalow would benefit from windows serving habitable rooms in the flank wall, however, the single storey nature of this development would again ensure that no loss of privacy would occur as a result of these.
- 16.10 With regards to the proposed residential use on the site, it is considered that this is more compatible with the surrounding area than the current garage site. The proposal to create three residential dwellings on this site is held to have the potential to create less comings and goings (and associated noise and disturbance) to and from the site which would have a positive impact on the amenities of neighbouring occupiers of the site.

16.11 Taking into account the above, it is concluded that the proposed development is acceptable with regard to impact on the amenities of existing neighbouring occupiers as well as future occupiers of the proposed development.

#### Parking and Highway Safety

16.12 Adopted parking standards require two parking spaces per dwelling, plus 0.25 visitor parking spaces per dwelling. On this basis, the development would require a total of seven parking spaces, and this is provided as shown on the submitted drawings. Secure cycle storage can be provided within the rear gardens of the individual plots. The development would utilise an existing and active vehicular access and adequate turning facilities within the site are provided. The development has therefore not attracted any objections from the Highway Authority on highway safety or efficiency grounds. As such, the proposed development is held to be acceptable in this regard subject to relevant conditions.

16.13 The proposed scheme however affects tenanted garages. The proposal results in the loss of 39 garages. The garages are unallocated to local residents. They are managed by CBH and are rented out. Information submitted as part of the application states that 26 of the garages are rented out to tenants. It is however not known whether the garages are used for storage or parking purposes, and whether those renting the garages are local.

16.14 The worst-case scenario includes a maximum of 26 cars in need for displacement although this figure is likely to be much lower given that it is highly unlikely that all 26 garages are used for the parking of a car and/or rented by local residents.

16.15 The Car Parking Displacement Survey that was submitted in support of this application states that at the time of their visits, which were carried out on a Tuesday at 1.30pm and on a Sunday at 9am, there was sufficient capacity in the immediate surroundings of the site (i.e. within a 100m radius) for additional roadside parking and that the displaced cars would not increase the parking stress within the surrounding area to a significant level.

16.16 Whilst it is less than ideal to displace vehicles from off-street into the highway, it is considered that the absence of any demonstrable harm to highway safety and efficiency, combined with the benefits of the scheme, which include a 100% affordable housing provision, would result in the proposed development being acceptable in this instance. Furthermore, it should be noted that the Council, where possible, is willing to work with affected residents to find alternative solutions to mitigate the loss of their rented garage.

## Private Amenity Space

- 16.17 Development Policy DP16 requires that all new residential development shall provide private amenity space to a high standard, with secure usable space that is also appropriate to the surrounding context. The minimum requirement for 2-bedroom houses is 50m<sup>2</sup> of private amenity space per dwelling. These requirements are echoed in emerging Section 2 Policy DM19.
- 16.18 The submitted site plan clearly shows that the development provides not only policy compliant private garden spaces, but that the proposed spaces are of a high standard with the siting, orientation, size and layout making for a secure and usable space. The proposed arrangement is therefore appropriate in its context.
- 16.19 Policy DP16 also states that “all new residential development will pay a commuted sum towards open space provision and maintenance.” No exception is made in relation to developments of affordable housing. Indeed, Supplementary Planning Document “Provision of Open Space, Sport and Recreational Facilities” specifies that “the standards, outlined above, are to be applied to all additional new residential Units. (...) New development includes most specialised types of housing including agricultural dwellings, affordable housing and also staff accommodation since all will create additional demands for open space.”
- 16.20 No Unilateral Undertaking or Monitoring Fee has been submitted with regard to addressing this policy. Consequently, the proposal presents a minor conflict with adopted policy. However, in similar previous cases at Council owned garage sites given permission in the past, the Council waived the commuted sum in order to make the provision of 100% affordable housing schemes viable. Given that the developer is the service provider, the requirement for contributions is effectively negated. It does not set a precedent for private market housing as this does not provide 100% affordable housing.
- 16.21 In addition, CBC is the provider and maintainer of public open spaces and is also the landowner. In this capacity, it has the power to provide and maintain the land for public benefit for the foreseeable future anyway. As maintenance of public open space is undertaken from the Council’s overall budget, there would be no net gain to the community by requiring payment of open space contributions as it would simply take money from one part of the budget and move it to another.
- 16.22 In conclusion, the scheme provides acceptable private amenity space and open space provisions.

### Landscape and Trees

- 16.23 Development Plan Policy DP1 and emerging Section 2 Policy DM15 require development proposals to demonstrate that they respect and enhance the character of the site, context and surroundings including its landscape setting.
- 16.24 There are a number of trees and hedgerows on the boundaries of, but outside, the site and accordingly, a Tree Constraints Plan was submitted with the application which identified the existing landscape features to be of some amenity value.
- 16.25 The site currently contains garages and hardstanding in close proximity to these features, all of which are proposed to be retained. As such, it is considered that the development can be implemented without undue impact on retained trees and hedgerows. Notwithstanding this, a Tree Protection Plan has been submitted setting out how the existing landscape features are proposed to be protected during construction works. Subject to the recommendations set out in this document being adhered to (which could be conditioned), it is considered that the proposed development is acceptable in terms of its impact on existing landscape features.
- 16.26 Provision of new soft landscaping features is also made to the front gardens of the properties and along the western boundary of the site. A satisfactory landscaping scheme could be secured via condition and the development is therefore considered to be acceptable in terms of its landscape impact.

### Heritage Impacts

- 16.27 The proposed development will be situated directly on top of the projected line of the main Colchester to Gosbecks Roman road. Roadside ditches were identified in trial trenches at Alderman Blaxill School a short distance to the north east in 2017. There is therefore considerable potential for the proposed development to impact on Roman remains of significance.
- 16.28 Accordingly, 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. This was accepted by the agent and subject to this, it is considered that the development would be acceptable from a heritage perspective.

### Other Matters

- 16.29 Refuse and recycling storage facilities will be provided within the individual plots with a communal bin collection point proposed at the end of the access drive for collection days. The proposed arrangements will not have any adverse impact on the visual amenity of the surrounding area.
- 16.30 The application site is located within Flood Zone 1 and consequently, the site is unlikely to be susceptible to flooding and the development would not contribute to surface water flooding.

- 16.31 The site has been used for garaging for some years and therefore a Ground Contamination Report was submitted with this application. The Contaminated Land Officer is satisfied with this report and concludes that the site could be made suitable for its intended use subject to conditions which have been accepted by the agent. There are therefore no objections to the proposal on the basis of contamination.
- 16.32 Concerns were raised by neighbouring occupiers that the demolition of the garages would leave their gardens exposed given that the garages currently form part of their boundary. The agent confirmed that no garden will be left exposed, with temporary fencing being installed to secure neighbours' gardens immediately after the demolition of the garages. Once the development is completed, the temporary fence will be replaced with a permanent fence/brick wall.
- 16.33 A payment of £127.30 per dwelling will be made in contribution towards the measures in Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast 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.

#### Planning Balance

- 16.34 The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying three dimensions to sustainable development: an economic, social and environmental dimension. In respect of the first of these, the current proposal would provide economic benefits through the creation of temporary employment during the construction phase. The provision of additional and more modern affordable housing within the Borough generally satisfies the social dimension. The social role of sustainable development is also described as fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs. The proposal is considered to satisfy this objective due to the development being generally well designed. In respect of the third dimension (environmental), the proposal would remove an underused garage site and provide additional landscaping features (which would be the subject of a pre-commencement condition). The proposed development is considered to be of an enhanced visual quality when compared to the existing development on the site and would deliver much needed affordable homes in the Borough.
- 16.35 The proposed development is therefore considered to represent sustainable development. There is also sufficient evidence to be confident that overall, the development would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon the highway network.

## **17.0 Conclusion**

17.1 In summary, it is considered that the proposed development represents sustainable development and would not cause any visual or material harm to the character and appearance of the surrounding area, neighbouring occupiers or highway safety. Consequently, the proposed development is held to be 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 condition:

### **1. ZAA - Time Limit for Full Permissions**

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

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

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

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

HEDGED-IWD-XX-XX-DR-A-1000 Rev P01 (Existing Location Plan)

HEDGED-IWD-XX-XX-DR-A-2000 Rev P01 (Proposed Site Plan)

HEDGED-IWD-01-XX-DR-A-2050 (Proposed Floor Plans & Elevations – Plot 1 (Block 1))

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

HEDGED-IWD-02-XX-DR-A-2051 (Proposed Elevations – Plots 2-3 (Block 02)

EAS-109.3 TPP (Tree Protection Plan (TPP))

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

### **3. ZBB - Materials As Stated in Application**

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

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

### **4. Z00 - 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).

#### **5. Z00 – Hard and soft landscaping**

No works shall take place until a scheme of hard and soft landscape 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 significant changes in ground levels and also proposed planting, details of any hard surface finishes and external works. The implementation of all the landscape works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

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

#### **6. ZFE – Landscape management plan**

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

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

#### **7. ZPA – Construction Method Statement**

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

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;  
loading and unloading of plant and materials;  
storage of plant and materials used in constructing the development;  
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;  
wheel and body 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.

### **8. Z00 – Provision of Size 3 turning head**

Prior to commencement of the proposed development, details for the design of the proposed vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions shall be submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided prior to the first occupation of the development hereby approved and shall be retained and maintained free from obstruction thereafter.

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

### **9. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)**

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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: 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

#### **10.ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)**

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

#### **11.ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)**

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and 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.

#### **12.ZG0 - Contaminated Land Part 4 of 4 (Reporting of 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 in accordance with the requirements of condition 9 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which 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 in accordance with condition 11.

#### **13.ZG3 - \*Validation Certificate\***

Prior to the first occupation of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 12.

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.

#### **14.Z00 – Provision of turning area and off street parking**

The development shall not be occupied until such time as the turning area and off street parking has been provided in accord with the details shown in the approved drawing number HEDGED-IWD-XX-XX-DR-A-2000 Rev P01 (Proposed Site Plan). 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.Z00 - Cycle Parking**

Prior to first occupation of the development hereby approved, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by 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 ensure appropriate cycle parking is provided in the interest of highway safety.

#### **16.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.

### **19.0 Informatives**

19.1 The following informatives are also recommended:

#### **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.

#### **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](http://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.

### **INS – Non Standard Informative on 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/C (this available on this CBC landscape [webpage: https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169](https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169) under Landscape Consultancy by clicking the 'read our guidance' link').

### **INS – Non Standard 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: [www.colchester.gov.uk](http://www.colchester.gov.uk)

### **INS – Non Standard Informative on Highway Works**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and 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).

### **INS – Non Standard Informative on EV Charging Points**

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated).

## **20.0 Positivity Statement**

### **WA1 – Application Approved Without Amendment**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.