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Item No: 7.6

Application: 163213

Applicant: Dynamic Property Investments Ltd

Agent: Mr Ross Bain

Proposal: Demolition of existing bungalow and garage and construction of 5no. 3 bedroom detached bungalows and associated garages.

Location: 91 King Harold Road, Colchester, CO3 4SG

Ward: Prettygate

Officer: Ishita Sheth

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 Councillor Sue Lissimore for the following reasons:

- Overdevelopment
- Design

2.0 Synopsis

2.1 The key issues for consideration are design and impact on neighbouring amenity.

2.2 The application is subsequently recommended for APPROVAL.

3.0 Site Description and Context

3.1 The site is located on the eastern side of King Harold Road. The site is currently occupied by a detached bungalow in a backland position; it is accessed via a private drive located between Nos. 89 and 93 King Harold Road. There are a number of protected trees on site.

4.0 Description of the Proposal

4.1 The proposal seeks to demolish the existing dwelling and the detached garage on site and provide 5 Nos. 3 bedrooomed detached bungalows and associated garages on the application site.

4.2 The existing access would be used for access to the proposed properties.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 None relevant to this application

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
ENV1 - Environment

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

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Sustainable Drainage Systems Design Guide
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 Urban Designer – Makes the following comments:

I understand there is a wider planning view that the preference would be for four not five units given the context. Whilst I would support this view, my comments focus on the proposed design for five units for which, if the principle is accepted, I would generally have no objection, subject to the following minor conditions:

- All windows and doors in masonry walls shall be inset at least 65mm and shall be fitted with sub-cills.
Reason: There is insufficient information provided in the submission to guarantee this key detail.

- Details of all facing, roofing and external materials to be used (including bricks, pavers, tiles, gable to canopy and barge boards) shall be submitted to and approved by the local planning authority prior to construction.
Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted application.
- Improved/further details for front canopies shall be submitted for approval prior to construction.
Reason: In order to ensure these prominent features are correctly detailed, noting there does not appear to be any horizontal support to the gable.

8.3 Landscape Officer – Recommends the following condition to be attached to any consent granted.

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

- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. REFUSE OR OTHER STORAGE UNITS, LIGHTING ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS;
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLE.

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

8.4 Archaeological Officer - There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

The following archaeological condition is recommended:

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

I will, on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Pre-determination archaeological evaluation is not required for this proposal. However, I would recommend that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

Informative on Archaeology:

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

<http://www.colchester.gov.uk>

8.5 Environmental Protection Services - Makes the following comments:

Should planning permission be granted Environmental Protection wish to make the following comments:-

NOTE: Demolition and Construction

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.

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

No fires on site at any times

All necessary measures shall be taken to minimise dust, including damping down and the use of barriers.

ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS;.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

An acoustic fence on both sides of the driveway to reduce the noise from vehicles using the drive and also to protect from headlights/rear lights of passing vehicles. Environmental Protection would recommend the use of an acoustic consultant for the design of the fence.

Reason, to protect existing residents from possible nuisance due to the increased traffic from this development.

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

1. Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be reconstructed to a width of 5.5m for at least the first 6m within the site tapering one-sided over the next 6m to no less than 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
3. Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
4. All off street car parking shall be in precise accord with the details contained within the current Parking Standards.
Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.
5. Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.
Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.
6. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and under body washing facilities

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

7. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

8. Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at accesses.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

8.7 Tree Officer – Makes the following comments on the originally submitted scheme:

Is in agreement with the conclusions of the report provided. It is noted that the proposal requires the felling of three trees. Two of these trees are contained within a group rated as B category as per BS5837:2012 but as individuals would be rated lower. As such the loss of these trees is considered to be of no significant detriment to the overall 'tree'd' boundary of the site.

It is also noted that due to the number of units proposed that the buildings are quite close to the trees to be retained (due to limitations in garden size) whilst this is likely to be within the 'allowed limits' it is likely that the eventual owners of the site may find the trees to be overbearing and there may be a perceived lack of light. As such a TPO has been made to ensure, should permission be given, that these trees are retained.

In conclusion, is satisfied with the arboricultural content of the proposal subject to the above.

Agreement to the arboricultural aspect of the application subject to conditions:

ZFQ - Tree and Natural Feature Protection: Protected Areas

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during

the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

ZFU - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

Additional

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition [-] has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of: (select as appropriate)

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Makes the following comments on the latest scheme:

Changes are minimal and have limited change to the impact on trees. The setting isn't ideal but refusal on this basis would likely not result in a win if appealed.

9.0 Parish Council Response

9.1 N/A

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 The first consultation resulted in the following comments:

- Clearance of site commenced shortly after the purchase of the site and several trees have already been cut down. This would go against the requirements of the Environmental Report.
- Existing hedge to the rear of Plot 3 should not be removed. This boundary treatment is their responsibility in accordance to their deeds.
- Dimensions of properties not clear online on the website.
- Would like confirmation that no overlooking of the neighbouring properties will occur.
- Can time restrictions be placed on working and delivery hours
- Would like a meeting with the planner.
- Had bought their property for the peace and quiet; the proposed development has far too many properties and will result in noise, light and air pollution issues.
- Prior to the building of the existing bungalow, two applications for more dwellings on the site were refused amongst other reasons for the restricted access.
- The access is in close proximity to their property and their property has two windows along the elevation facing this access.
- The increase in number of vehicles using this access will result in increase in air and noise pollution and increase in diesel particulates.
- Loss of residential amenity
- Suffers from Asthma; the proposal will result in detriment to their health.
- King Harold Road already is crowded with parked cars. The proposal will result in a further increase in car parking of residents and visitors, resulting in safety concerns.
- Their property is directly opposite the access and have concerns about light beams from cars shining into their properties.
- Proposal will affect the desirability of the area and in turn their property.
- Proposal is an overdevelopment of the site.
- View is restricted when entering the highway from the access road; this is danger to pedestrians and users of Highway.
- Parking inadequate; unlikely that residents will use garages for car parking.
- Loss of privacy
- Safety issues for school children using the pavement.

- The position of the refuse storage is too close to No. 89 King Harold Road; unsightly rubbish near the entrance and noise issues for neighbours from its use.
- On other similar applications Highways have stipulated conditions about visibility splays.
- Would like confirmation that none of the dwellings will ever be two storey in nature.
- Would like to know which trees will be lopped down and whether the fences to the rear of properties will be replaced.
- Would like the overhanging branches from the trees on the site to be cut.
- Would not like any hardsurfacing near their perimeter fence as this will affect drainage in their garden.
- Some of the fencing that is in the ownership of the application site needs replacing.

10.3 Subsequent to the submission of revised drawings and a re-consultation, following further comments were received:

- Apart from the removal of the refuse area, nothing has been done to address the major concerns.
- Still an overdevelopment of the site
- Parking is inadequate.
- Safety issues from so many vehicles using a narrow access and lack of visibility from the access.
- Concerns about air pollution; especially because of their asthma.
- Condition of the fence at no.6 and 8 Reaper Road is in very poor shape and incorrectly positioned.
- All previous objections remain.
- Plot 3 seems to be very close to the boundary of 17 Prettygate Road.
- The revised plans also still show removal of the hedge on boundaries of 17 and 19 Prettygate. There is a boundary fence between hedged of 91 King Harold Road and 17 and 19 Prettygate Road. Under no circumstances is the hedge boundary side of 17 and 19 Prettygate road to be removed or cut down. Would like to try and preserve the hedge as it is used by nesting birds and insects.
- Why was the massive healthy tree removed from the site?
- Concerns for the safety of the pedestrians.
- It has been brought to their attention that on average each dwelling would have 6 vehicle movements per day plus guests plus refuse lorries, and deliveries; this will create noise and a great deal of disturbance.
- I note that mention has been made re landscaping which whilst being a positive step raises concerns over the existing tree line and shrubs being removed on the entrance leading to the bungalows. The existing tree line is a major draw for wildlife I feel this could be trimmed and should be preserved for the environment and maintaining everyone's privacy.
- Has concerns over the ownership of the beautiful brick wall which runs along no's 91 and 93. (This will be the proposed entrance to the site) This will be remaining on the plans which is a positive note however this will need some TLC especially with the extra weight of traffic and who will be responsible for

the maintenance? This is currently owned by no 91 but if the plans are agreed who will take ownership?

- There is a clause in the deeds that only one property is permitted on the site.

11.0 Comments on Consultation Responses

11.1 These are set out as below:

- Issues in respect of party wall boundaries are civil matters and cannot be considered under Planning Legislation.
- The trees on the application site were not a subject of a Tree Preservation Order when the tree works were carried out. Trees on private land can therefore be removed without consent of the Local Authority.
- Every application is considered on its own merits and the current Policies.
- The clause on the deed about the number of dwellings is not a planning matter.
- The current proposal is for single storey dwelling and the application has to be determined on this basis.
- Whilst the Planning Authority sympathises with the health conditions of the neighbour, it is not considered that this can be a valid reason for the refusal of the scheme.
- Condition 4 recommended by the Highway Authority is not necessary as the proposed parking spaces as shown on the submitted plans are in accordance to the required standards.
- Condition 5 recommended by the Highway Authority is unnecessary as the bicycles can be stored within the individual residential curtilages.
- Condition 6 recommended by the Highway Authority is not necessary as the bin storage area is provided within the site.
- All other relevant planning matters are discussed in the evaluation section.

12.0 Parking Provision

12.1 The proposal results in implications for parking provision; these are discussed in the evaluation section.

13.0 Open Space Provisions

13.1 There are no implications in respect of Open Space provisions

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

The Principle of Development

- 16.1 The site is located within the settlement boundary within a residential area, where residential development is acceptable in principle. A single dwelling currently exists on the site; an assessment must be made whether the increased number of dwellings proposed would be acceptable on the site.

Design and Layout

- 16.2 Core Strategy Policy UR2 states that the Borough Council will promote and secure high quality and inclusive design in all developments to make better places for both residents and visitors. Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported while Development Policy DP1 requires all development to be designed to a high standard, avoid unacceptable impacts on public and residential amenity, and demonstrate social, economic and environmental sustainability.

In addition to local policies, national guidance in the form of the NPPF and PPG attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Consideration also needs to be given to the Council's adopted Supplementary Planning Document (SPD) 'Backland and Infill' which states that 'all infill development should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height, form, materials, fenestration and architectural details of its neighbours. This is important in re-enforcing local character and ensuring the context of the street scene is not adversely affected'. However, whilst the SPD asks for new development to reinforce the character and appearance of the existing area, Policy H3 of the Core Strategy states that housing should be diverse.

- 16.3 The application proposes a development of 5 bungalows in a backland location. Whilst it is noted that the layout and plot shapes and sizes would not reflect the character of the surrounding plots, the proposed development would not be visible from the streetscene by virtue of its backland nature and as such would not result in detriment to the character of the area. Although there would be an obvious intensification of built development as a result of the provision four additional dwellings on this site, the proposed development can be accommodated in a way that would not lead to overdevelopment. The design of the proposed dwellings is generally good with detailing incorporated in accordance to the Urban Designer's requirements. The dwelling at Plot 1 would be visible from the public highway and creates a focal building in accordance with the requirements of the Backland and Infill Development SPD.

Furthermore, the use of traditional materials as proposed reflects the local character of built development in the vicinity of the application site.

Overall it is considered that the proposed development results in an acceptable layout and intimate sense of place. The sense of unity is reinforced by the use of:-

- a limited palette of materials and colours;
- clay plain tiles;
- white UPVC windows;
- pre-cast stone heads and cills;
- simple porches with timber posts;

16.4 It is considered prudent to control materials and architectural detailing by condition to ensure that these are delivered as expected and therefore complement the proposed composition.

For the reasons given above, it is considered that the design and layout of the proposed development conforms to the aforementioned development plan policies and the guidance set out in the NPPF.

Residential Amenity

16.5 Development Plan Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.

The 'Backland and Infill Development' SPD states that Access by vehicles or pedestrians should not cause an adverse impact on the amenity of the adjacent residents these impacts can include noise, vibration, impacts on road safety and visual impacts. Access arrangements that will result in significant nuisance to the residents of adjacent dwellings or cause problems of safety to road users will be resisted. The SPD requires the provision of a minimum of a 3m protection zone on either side of accesses to backland development.

16.6 Concerns have been raised by neighbouring residents in respect of overlooking, noise issues from the intensification of the use of the access, noise issues from the proposed development, light and air pollution.

16.7 The proposed dwellings are single storey in nature and as such it is unlikely that any overlooking would occur from the proposed development.

- 16.8 It is noted that the neighbouring properties at Nos. 89 and 93 King Harold Road are in close proximity to the access to the dwellings. The existing access serves one dwelling; the provision of five dwellings within the site would lead to the intensification of the use of the access. No. 89 King Harold Road is located some 0.3m from the access and No. 93 King Harold Road is located some 1m from the access. The proposal therefore fails to provide the 3m protection zone on either side of the access. However, it should be noted that the access is existing and the SPD refers to protection zones for new entrances. Furthermore, an Environmental Noise Assessment has been submitted with the application which concludes that the proposed development would not result in significant noise issues to the neighbouring residents. The Council's Environmental Protection Officer agrees with this conclusion and has not raised any objection to the scheme.

There are windows located in the flank elevations of the properties at Nos. 89 and 93 King Harold Road. However, these are either secondary windows or serve bathrooms/toilets. Under the circumstances, it is not considered that the proposal would result in such undue detriment to the residential amenity of these properties that a refusal on this basis could be successfully sustained on appeal.

Concerns have also been raised in respect of light and air pollution and light beams from headlights of cars. However, it is not considered that these would be so significant as to warrant a refusal. Furthermore, the Environmental Protection Officer has not raised any concerns in respect of these matters.

Similarly, with regards to loss of light and overbearing impacts, there is a healthy distance between the proposed dwellings and the neighbouring properties. Given the site specific circumstances and the design of the proposed development, it is considered that the proposed development would not result in any materially harmful impacts with regards to overbearing impacts, overshadowing, loss of light or loss of privacy to neighbouring occupiers. On this basis, it is concluded that the proposed development would not result in any materially harmful impacts on neighbouring amenities, thus complying with the afore-mentioned policy.

Trees, Landscape and Ecology

- 16.9 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Policy DP1 requires new developments to respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area. Development Plan Policy DP16 sets out requirements in respect of garden sizes and the provision of public open space. Central Government guidance on conserving the natural environment is set out in section 11 of the NPPF.

The applicants have submitted an arboricultural report. The Council's Tree Officer concurs with the findings of the report. The proposal requires the felling of three trees. Two of these trees are contained within a group rated as B category as per BS5837:2012 but as individuals would be rated lower. As such

the loss of these trees is considered to be of no significant detriment to the overall 'tree'd' boundary of the site.

It is also noted that due to the number of units proposed that the buildings are quite close to the trees to be retained (due to limitations in garden size) whilst this is likely to be within the 'allowed limits' it is likely that the eventual owners of the site may find the trees to be overbearing and there may be a perceived lack of light. As such a TPO has been made to ensure, should permission be given, that these trees are retained.

Subject to a condition requiring the retention and protection of the trees on site in accordance with the submitted Arboricultural Report, no objection is raised.

In respect of landscaping for the proposed development, subject to the condition recommended by the Landscape Officer, no objection is raised.

Objections have been received from local residents in relation to the loss of trees and adverse impact that this will have on the movement of wildlife.

The submitted preliminary ecological appraisal notes that with the exception of nesting birds, which are addressed by appropriate timing of works/precautionary methods of working, the site is unlikely to support any protected species, and no further surveys are recommended.

However, the report makes recommendations to ensure that foraging bats are not adversely affected by external lighting and measures to be taken to protect stag beetles and Species of Principal Importance.

Subject to conditions requiring these to be complied with, no objection is raised on Ecology basis.

Access, Parking and Highway Safety

- 16.10 The proposal provides adequate car parking for the proposed dwellings. 2 Nos. visitor car parking space shave also been provided. Subject to a condition requiring the retention of the garage and parking spaces for parking purposes, no objection is raised in respect of parking provision. However concerns have been raised by neighbouring residents in respect of safety issues at the junction of the pavement and access. However, the Highway Authority has not raised any concerns in respect of this matter. Subject to conditions, the Highway Authority raises no objection to the scheme.

Private Amenity Space and Public Open Space

- 16.11 The proposal includes adequate private amenity space to accord with the requirements of adopted policy. Whilst it is noted that most of the amenity area for the Plot 4 is covered by the Tree Canopy and is not ideal, on balance it is not considered that a refusal on this basis could be successfully sustained on appeal.

Contamination

16.12 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land. The support text to this policy notes that Colchester's approach to dealing with the development of land that could be contaminated is set out in 'Land Affected by Contamination: Technical Guidance for Applicants and Developers, 2nd Edition'.

16.13 A Homecheck Environmental Report has been submitted by the applicant which was prepared for Conveyancing purposes. This report indicates that no risks have been identified.

A verbal conversation with the Council's Contamination Officer has confirmed that there are no potential risks at this location.

Refuse and Recycling

16.14 Policy DP12 requires the provision of an accessible bin and recycling storage area.

16.15 The proposal seeks to provide a bin collection point along the rear boundary of No. 93 King Harold Road. Whilst the location is acceptable in principle, the bin collection area needs to be located away from the boundary with some landscaping along the rear boundary of No. 93 to protect the amenity of the occupants at No. 93 King Harold Road. The proposed new tree needs to be removed and the bin area could be moved in that location.

16.16 A condition can be attached to any consent granted to provide appropriate details of the refuse/recycling bin area.

16.17 The Council's Refuse and Recycling team were consulted. Whilst no formal response has been received from them, they verbally confirmed that they had no objections to the scheme.

16.0 Conclusion

16.1 Whilst the proposal does result in intensification of the site and subsequently the access which is in close proximity to the neighbouring dwellings, it is concluded that, on balance, the principle of the proposed development is acceptable. The proposed new dwellings are of a satisfactory design and scale with a traditional local character integrating it well into its surroundings, thereby providing a sense of place characteristic of the area. It is therefore concluded that the proposed development represents an acceptable form of development for this site and does not compromise the character and appearance of the wider area, neighbouring amenities or highway safety or efficiency to such a degree that would warrant a refusal.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 638/1 Rev B, 638/2 Rev C, 638/3 Rev B, 638/4 Rev B, 638/5 Rev B and 01 (Landscaping Scheme) .

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

3. Z00 – Windows and Doors Inset

All windows and doors in masonry walls must be inset at least 65mm and shall be fitted with sub-cills.

Reason: There is insufficient information provided in the submission to guarantee this key detail.

4. Z00 – Details of materials

Details of all facing, roofing and external materials to be used (including bricks, pavers, tiles, gable to canopy and barge boards) shall be submitted to and approved by the Local Planning Authority prior to their use in the construction. The development must be then carried out in complete accordance with the approved details.

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

5. Z00 – Details of Canopies

Notwithstanding the submitted details, further details for front canopies shall be submitted to the Local Planning Authority for approval in writing prior to their construction. The development must be then carried out in complete accordance with the approved details.

Reason: In order to ensure these prominent features are correctly detailed, noting there does not appear to be any horizontal support to the gable.

6. ZBF - Surfacing Materials to be Agreed

Prior to the laying down of any surface materials to be used for all private, non-adoptable access ways, driveways, footpaths, courtyards, parking areas and forecourts, full details of these materials shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and where such detail are considered important to the character of the area.

7. ZCL - Surface Water Drainage

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

Reason: To minimise the risk of flooding.

8. ZDA - *General Removal of Residential PD Under Schedule 2 Part 1*

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

9. ZDJ - Removal of PD for Loft Conversions on Single Storey Dwelling

Notwithstanding the provisions of Classes B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwelling as hereby permitted shall be single-storey and no first-floor windows or rooflights shall be installed to give light to the roof void of the dwelling unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

10. ZKM - *Residential Parking Spaces Retained*

Prior to the first occupation of the development, the GARAGE(S) / PARKING SPACE(S) shown on the approved plans shall be made available for use for the parking of motor vehicles to be used solely for the benefit of the occupants of the dwelling of which it forms part, or their visitors, and for no other purposes whatsoever. The GARAGE(S) / PARKING SPACE(S) shall then be maintained free from obstruction and for this purpose at all times thereafter.

Reason: In order to ensure that the development retains adequate parking provision.

11.ZDM - Retaining Garage for Parking

The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety

12.ZDN - Removal of PD for Open Plan Developments

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway.

Reason: It is considered that there is sufficient merit to justify control of frontages in order to maintain an open plan housing layout.

13.ZCE - Refuse and Recycling Facilities

Notwithstanding the submitted details, a scheme showing the location of the refuse and recycling facilities for the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The approved scheme must be installed on site prior to the first occupation of the development and permanently retained thereafter.

Reason: To ensure appropriate provision of refuse and recycling facilities.

14.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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

15.ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone E22 RURAL, SMALL VILLAGE OR DARK URBAN AREAS;

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

An acoustic fence on both sides of the driveway to reduce the noise from vehicles using the drive and also to protect from headlights/rear lights of passing vehicles. Environmental Protection would recommend the use of an acoustic consultant for the design of the fence.

Reason: To protect existing residents from possible nuisance due to the increased traffic from this development.

16. Z00- Landscaping

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

- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. REFUSE OR OTHER STORAGE UNITS, LIGHTING ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS;
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLE.

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

17.Z00 - Landscaping

The landscaping scheme pursuant to Condition 16 shall be permanently retained.
Reason: To maintain the visual amenity/character of the area as proposed.

18. Z00 - Vehicular Access to the development

Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be reconstructed to a width of 5.5m for at least the first 6m within the site tapering one-sided over the next 6m to no less than 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

19. Z00- No unbound materials

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

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

20.Z00 – Construction Method Statement

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

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

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

21. Z00 – Ecological Measures

The measures as outlined in the paragraphs 5.18, 5.30 and 5.31 as outlined in the submitted Preliminary Ecological Appraisal shall be adhered to during the construction process.

Reason: In the interests of preserving the nature conservation value of the site.

22. Z00 – Lighting Scheme

Prior to the installation of any external lighting, a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. Any lighting installed shall be fully implemented in accordance with the approved scheme and no other external lighting shall be installed.

Reason: To ensure that any lighting scheme would have a negligible impact upon foraging bats.

23.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, rear gardens but inclusive of the visually sensitive landscaping within the front 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; especially where there is a potential for the future occupants of the dwelling hereby approved to remove planting to the front of the properties and to ensure maintenance of the proposed hedging within the access to the properties.

24.Z00 – Tree Protection

The development hereby approved shall be carried out in accordance with the submitted Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan issued by Haydens's Arboricultural Consultants and dated 21/03/2017.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

25.ZFU - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

26.ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

18.0 Informatives

18.1 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.

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

No fires on site at any times

All necessary measures shall be taken to minimise dust, including damping down and the use of barriers.

ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.