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Item No: 7.4

Application: 162722

Proposal: Proposed Garden Pavillion.

Location: Southview, The Heath, Layer-De-La-Haye, Colchester, CO2 0EE

Ward: Marks Tey & Layer

Officer: Chris Harden

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the agent undertakes consultancy work for the Borough Council.

2.0 Synopsis

- 2.1 The key issues explored below are the design, scale and form of the garden pavilion and whether there is any detrimental impact upon the character of the street scene or neighbouring residential amenity.
- 2.2 The impact upon vegetation, including upon a nearby Spruce tree and Ash and Birch tree also needs to be assessed. In this case it is considered that the design, scale and form of the garden pavilion, which replaces an existing garden building, is visually acceptable and would not detract from the character of the area and street scene.
- 2.3 There would be no significant impact upon neighbouring amenity owing to the relatively small scale of the building and distance from neighbouring dwellings. It is not considered there would be any significant impact upon important trees and vegetation subject to tree protection conditions including foundations and protective fencing.

3.0 Site Description and Context

- 3.1 The site lies within the physical limits of Layer De La Haye and is within an Area of High Archaeological Protection. The property consists of a detached dwelling with existing garden building close to the rear boundary of the garden.
- 3.2 There are neighbouring properties either side and to the rear. There is a Spruce tree of modest size quite close to where the garden room is proposed and some vegetation beyond the boundary, including modestly-sized Ash and Birch trees.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a single-storey garden pavilion finished in light hardie plank and red concrete tiles. It would measure 3.6 metres in height, 8.5 metres in length and 5.7 metres in width. These dimensions include a veranda area and a garden/gym, home office, garden store and toilet. The existing single storey garden building and a shed would be removed. An Arboricultural Impact Assessment has been submitted.

5.0 Land Use Allocation

- 5.1 Physical limits

6.0 Relevant Planning History

- 6.1 F/COL/03/0600
15/04/2003 - Full
Retention of single storey conservatory.
Approve Conditional - 12/05/2003

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

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

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP14 Historic Environment Assets

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP19 Parking Standards

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

N/A

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

- Vehicle Parking Standards
- The Essex Design Guide
- External Materials in New Developments

8.0 Consultations

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

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

9.0 Parish Council Response

9.1 The Parish Council "has no objections."

10.0 Representations

- 10.1 One letter has been received from a neighbour which makes the following comment: “We have no objection to this proposal on the understanding that the structure will be built at least 1 metre distance from our boundary chain link fence. Please confirm that this will be the case.”

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

11.0 Parking Provision

- 11.1 Existing parking spaces are unaffected.

12.0 Open Space Provisions

- 12.1 N/A

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

- 15.1 Design and Visual Impact: It is considered that the design, scale and form of the garden pavilion is visually acceptable in this location and would not detract from the character of the area or street-scene. As the pavilion would be to the rear of the property it would not be visually obtrusive. The finishes and materials would also be appropriate for the location. It should be noted that, as the height of the building has been reduced from 4.4 metres to 3.7 metres, at the request of the applicant, a building of this size and in this location would normally be permitted development and this now appears to be the case.
- 15.2 Impact upon neighbouring residential amenity: It is concluded that the garden pavilion would not be detrimental to neighbouring residential amenity. It is far enough from neighbouring dwellings to avoid causing an overbearing impact and also would not block out light to any significant degree. It is also not considered there would be any overlooking from the pavilion, including from the veranda, as the neighbouring fences are quite high and there is also some screening from vegetation.
- 15.3 Impact upon trees and vegetation: It is considered that the impact upon nearby trees and vegetation is acceptable. The submitted arboricultural report states that all trees nearby are Category C trees – i.e. desirable to retain in the short term but acceptable to be removed once new planting is established. They are not of the quality that would warrant a Tree Preservation Order and have limited public amenity value. All trees are proposed to be retained and conditions can

be applied in relation to foundations and protective fencing in order to minimise any impact. The arboricultural report also states that the surrounding soil has already previously been disturbed during the construction of the base for the existing summer house and from the further paving that was added. Overall, subject to conditions, it is not considered there would be any significant impact upon important trees and vegetation.

- 15.4 Adequate private amenity space and parking and manoeuvring areas would be retained. It is not considered that an archaeological condition is required. There would be no impact upon wildlife. Having regard to the neighbour's comment, the walls of the building are shown to be a minimum of a metre from the neighbouring boundaries. The building is considered to be a genuine garden pavilion and a condition can be applied to ensure it is used as a building ancillary to the existing dwelling.

16.0 Conclusion

- 16.1 In conclusion it is considered that the design, scale and form of the garden pavilion, which replaces an existing garden building, is visually acceptable and would not detract from the character of the area and street scene. There would be no significant impact upon neighbouring amenity owing to the relatively small scale of the building and distance from neighbouring dwellings. It is not considered there would be any significant impact upon important trees and vegetation subject to tree protection conditions including foundations and protective fencing. A condition about use of the building being ancillary to the existing dwelling can be applied.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 868- 1 and 868-3 received 1/11/16 and 868-2 received 28/11/16.

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

3 - Non-Standard Condition/Reason – Materials

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

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

4 - Non-Standard Condition/Reason – Existing trees and hedgerows

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the protection and method statements outlined in the submitted Arboricultural Impact Assessment, including protective fencing (which shall be installed prior to commencement of development) and the foundation detail and shall be complied with during the lifetime of the development works. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

5 - Non-Standard Condition/Reason – Occupation

The development hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Southview, The Heath, Layer De La Haye.

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

19.0 Informatives

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.