



Application No: 151269
Location: 11 Glen Avenue, Colchester, CO3 3SD
Scale (approx): 1:1250

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7.4 Case Officer: Richard Collins Due Date: 28/08/2015 MINOR DWELLINGS

Site: 11 Glen Avenue, Colchester, CO3 3SD

Application No: 151269

Date Received: 12 June 2015

Agent: Stour Valley Design

Applicant: Mr & Mrs Nindy Badesha

Development: Proposed replacement dwelling for private use (existing dwelling and garage to be demolished.)

Ward: Lexden

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee at the request of Councillor Roger Buston on behalf of a local resident for the following reasons submitted by the resident:-

- The size, scale and design of the property is disproportionate to the size of the plot and out of keeping with the surrounding properties;
- Adverse impact on neighbouring residential properties;
- Heritage impact – whilst the property is not listed it is worth preserving;
- Site stability.

2.0 Synopsis

2.1 The key issues explored below are that of design and layout, impact on surrounding area and neighbouring properties. Whilst comments have been received regarding the demolition of the existing building, the building is unlisted, and is not in a conservation area. Nor is the building locally listed. The proposal is considered to have an acceptable design and layout and would not have an adverse impact upon the visual amenity of the area. Equally the design of the proposal is considered to be acceptable and would not adversely affect the amenities of occupants of existing neighbouring properties. Furthermore, the site layout accords with the adopted amenity standards in terms of parking provision and amenity space, and no objections have been received from the Highway Authority with regards to highway safety. Approval is recommended.

3.0 Site Description and Context

- 3.1 The site is located on the western side of Glen Avenue, within the Lexden ward of the built-up area of Colchester. The application site measures approx. 0.082 hectares. The site is not located within any special land designation.
- 3.2 The site contains a single detached three-bed two-storey dwelling, with separate detached garage and shed. The dwelling is set back into the site, located approx. 23 metres from the highway.
- 3.3 The site is bounded by existing vegetation of various sizes, with a garden mainly laid to grass (currently overgrown) and hardstanding for vehicular parking. It is understood the property has been vacant for some time.
- 3.4 The character of the area is mainly one of residential properties, containing a mixture of two-storey, single-storey and chalet bungalow style properties. It is noted that in this location Glen Avenue falls in gradient in a south to north direction, which results in those existing properties to the south of the application site being located on land higher than the application site (by approx. 1 metre).

4.0 Description of the Proposal

- 4.1 The proposal seeking permission for a single detached 5-bed two-storey dwelling, with integral garage, following demolition of existing dwelling and garage.
- 4.2 The proposed dwelling measures approx. 15 metres in width (fronting the road), 12.8 metres in depth, with an overall height to ridge of approx. 8.8 metres. The proposed dwelling includes a basement to provide a gym, TV/Games room, W/C and store. At ground floor, the dwelling provides a lounge, family/dining room, kitchen, study, utility and store, hallway, and integral garage (measuring 7 metres by 3.4 metres internally). At first floor, the dwelling provides five bedrooms (three with en-suites facilities), and family bathroom. The total floor area measures approx. 364.39 sq m including the basement.
- 4.3 The existing dwelling to be demolished measures approx. 7.5 measures in width, 8.5 measures in depth, with an overall height to ridge of approx. 8.7 metres. The total floor area measures approx. 107.44 sq m.
- 4.4 The submitted drawings for the proposed dwelling indicate the use of the existing vehicular access onto Glen Avenue.

5.0 Land Use Allocation

- 5.1 Predominately residential.

6.0 Relevant Planning History

- 6.1 150142 - Proposed replacement dwelling for private use (existing dwelling & garage to be demolished.) - Application withdrawn.

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
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:
N/A
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
Backland and Infill
Vehicle Parking Standards
Extending Your House?
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Environment Agency - No objection to the application provided the five conditions below are appended to any planning permission granted. Detailed comments are provided below:

The Water Environment

The site is underlain by a Secondary A aquifer, part of the Kesgrave Catchment Subgroup associated with the Essex Gravels groundwater body; an EU Water Framework Directive Drinking Water Protected area. The aquifer is also likely to feed the River Colne approximately 180m north of the site and be in direct hydraulic continuity. The application does not contain a preliminary risk assessment, which is grounds for objection. However, due to the scale of development and the site history, we are willing to recommend planning conditions.

A review of historical mapping indicates the property has been present from before 1887. The remaining area was developed around the mid 1950s. The existing property was isolated for a number of years, which indicates that oil fired heating may have been used. Oil tanks and associated infrastructure can leak or be subject to spillages resulting in contamination of the underlying soils and groundwater. Any contamination assessment should assess the possibility of historic oil tanks at the site. The applicant should consider our advice on surface water discharges.

We consider that planning permission could be granted to the proposed development as submitted, subject to the planning conditions below. Without these conditions the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

Condition 1 - No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Advice to LPA - This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. You must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should you decide to obtain the necessary information under condition we would request that this condition is applied.

Condition 2 - No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It

shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3 - No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition 4 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons - To protect and prevent the pollution of the water environment: Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area, from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and our Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7 and G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins

Condition 5 - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Sustainable Drainage Systems

1. Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
2. Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.

3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
6. SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and draft National Standards for SuDS (Defra, 2011). For further information on our requirements with regard to SuDS see our Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) document Position Statements G1 and G9 – G13 available at:
<https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>.

8.2 CBC Environmental Protection – Make the following comments:-

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 Protection prior to the commencement of the works.

ZPA – Construction Method Statement

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: None.

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.

ZGG - Site Boundary Noise Levels

8.3 ECC Highway Authority – The Highway Authority has assessed the details of the application and does not wish to submit a formal recommendation.

8.4 CBC Archaeology Officer - As this is in an archaeologically sensitive area, the proposed works have the potential to damage archaeological remains. Should consent be granted, I recommend that a programme of archaeological work (trial-trenching evaluation) should precede construction. The results of this trenching will allow a judgement to be made as to whether or not more archaeological work is required (further excavation, or a watching brief on construction).

I believe this is covered in our standard condition ZNL

ZNL - Scheme of Archaeological Delegation

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 None received.

10.0 Representations

10.1 A total of 6 objections have been received, and these are summarised below:

- Existing dwelling is an historic structure (nearly 200 years old) and should be retained.
- Size of proposed dwelling out of keeping with surrounding properties.
- Proposal detrimental to the character of the area.
- Overall ambience of well-established area must be taken into consideration.
- Existing dwelling is locally listed, but not nationally listed due to incompetence many years ago.
- Contrary to report by Jonathan Reubin, the building was being lived in as early as the late 1830s and was not a nondescript storeroom.
- To state that it is in a rather poor and dilapidated condition could describe many historic houses which have been successfully restored.
- Many buildings of historic merit have been already been lost in Colchester in recent years.
- Concern over loss of stability of surrounding land and impact on surrounding properties, especially due to construction of basement.
- Little change to the design of the previous house (which was withdrawn).
- Too large for the plot with windows right on the boundary fences will overlook and tower above surroundings properties.
- Concern over noise, dust and disturbance and length of time to local residents and flow of traffic on Glen Avenue during demolition and construction, especially with design of basement.
- Concern over rats with demolition of outbuilding.
- Concern over possible future conversion to three flats due to presence of toilets on every floor.
- Question whether basement is really necessary or appropriate for this site.
- Would wish retention of existing boundary hedges along the back of the property.
- Reinstatement of adequate banking should also be conditioned.
- Concern over the hours of operation allowed on the site.
- Concern over what recourse neighbours would have if conditions not adhered too.

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

11.0 Parking Provision

11.1 The proposed development provides for a single integral garage with measurements in accordance with the adopted standards. Additional off-street parking is also available within the site frontage.

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

Principle of Development

15.1 Policy DP13 of the adopted Colchester Borough Development Policies (adopted 2010, amended 2014), states within the Borough’s settlement boundaries, replacement dwellings will be supported where they meet other policy requirements, including the adopted SPD ‘Extending Your House?’.

15.2 Policy DP1 states all development must be designed to a high standard and avoid unacceptable impacts on amenity. Furthermore, the policy states that development proposals must demonstrate that they (amongst other things):

- Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and detailed design features;
- 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; and,
- Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area.

15.3 Comments have been received with regards to the historic importance of the existing dwelling. The building dates back to the 19th century, and can be seen on the first edition Ordnance Survey map, for which the survey work was done in 1875-6. However, the building is unlisted, and is not in a conservation area. Nor is the building locally listed. A review of the Local List was undertaken in April this year, and the inclusion of 11 Glen Avenue was not taken forward given that it was scheduled for demolition as part of a redevelopment of the site. As a result, the building is not statutorily protected, and planning permission would not be required to demolish the dwelling (only prior approval would be required from the Council for the method of demolition and any proposed restoration of the site). The purpose of this control is to give the Council the opportunity to regulate the details of demolition in order to minimise the impact of that activity on local amenity, it does not allow the Council to consider material planning matters as an Application for Prior Notification of Proposed Demolition is different to a planning application.

- 15.4 Notwithstanding these comments, following the withdrawal of the previous scheme (150142) officers' have engaged with the applicant in an attempt to retain the existing dwelling, and discuss the possible redevelopment and renovation of the dwelling by adding an extension to increase the floor size of the property to a more generous size as desired by the applicant. However such plans in themselves were considered to have an adverse impact upon the amenities of neighbouring properties, such as overlooking, and as a result the applicant has submitted this new application in an attempt to overcome the concerns raised with the previous scheme.
- 15.5 On that basis, the principle of development is therefore acceptable, subject to detailed criteria including those outlined above.

Design and Layout

- 15.6 The existing dwelling is sited some distance (approx. 23 metres) back from the highway, with its principle elevation angled away from the highway. The whole footprint of the existing dwelling is located behind the neighbouring property at No.13 Glen Avenue. The rear garden of the existing dwelling is shallower than the front garden as a result.
- 15.7 The siting of the existing dwelling, although likely to have been one of the first within its locality, is now considered to be out of character with the subsequent built-up form of Glen Avenue, which is largely detached residential dwellings located in a linear form with equal set-backs to Glen Avenue.
- 15.8 The proposed replacement dwelling is sited to respect the building line of Glen Avenue, and sit largely in line with neighbouring properties at Nos. 9 and 13 Glen Avenue, which is approx. 10.5 metres back from the highway. The principle elevation of the proposed dwelling also respects the street scene by fronting onto it.
- 15.9 Whilst it is acknowledged the existing dwelling was located some distance off the boundaries (3.5 metres to No.13 Glen Avenue, and 6.2 metres to No.3 Bramley Close), again this separation from the boundaries is considered somewhat out of character with the prevailing pattern of development in the area. In general, separation distances between dwellings and their boundaries vary between 1 metre and 2.5 metres. The proposed dwelling is sited 1 metre off the boundary with No.13 Glen Avenue, and 1.5 metres off the boundary with No.9 Glen Avenue.
- 15.10 As a result, it is considered the layout of the replacement dwelling is acceptable and would not adversely affect the character of the area.
- 15.11 With regards to the design, although the site is not located in a conservation area or special character area, the context of the locality being one of a verdant suburban local character mainly of large detached residential properties set within spacious plots, gives this part of the Lexden ward a certain charm. The proposed replacement dwelling has been designed in an acceptable manner, including the breaking up of the mass of the building, which includes an assemblage of forms, where the principle element fronts the street scene, with subsidiary elements added with articulation lines. The roof form to the two-storey elements are fully hipped to respect the character of the area, and detailed design features are added to compliment the design such as a full external chimney stack, and use of vernacular materials.

- 15.12 As a result, the design of the replacement dwelling is acceptable and would not adversely affect the character of the area.

Impact on the Surrounding Area

- 15.13 As already stated, the character of the area is one of residential properties, containing a mixture of two-storey, single-storey and chalet bungalow style properties, set in a verdant suburban area. The proposal is for a single detached two-storey dwelling so the principle of development is not considered to adversely affect the surrounding area. Furthermore, it is noted the existing vehicular access is to be retained, and given the distance to boundaries, the majority of existing boundary vegetation could be retained to assist in assimilating the proposal into the existing built form and its verdant character.
- 15.14 Whilst it is noted that the property to the immediate south of the application site is a chalet bungalow, given the topography of the site's relationship with this neighbouring property (the application site is stepped down by approx. 1 metre from No.9 Glen Avenue), the siting of a two-storey dwelling in its proposed location is not considered to have an adverse impact on the character of the area, as it would not be seen as an imposing structure located between properties. The property at No.13 Glen Avenue is two-storey, and again given the topography of the land, the proposed dwelling would not be imposing. It is also noted that the proposed dwelling is similar in height to the existing dwelling, albeit the proposed dwelling is more visually prominent given its location to the frontage of the plot.
- 15.15 The proposal includes an enlarged area of hardstanding for frontage parking and turning. Whilst this is larger than the existing hardstanding, areas of lawned garden remain, and frontage parking is commonplace in the area. This element of the proposed layout is not considered to have an adverse impact on the surrounding area.

Impact on Neighbouring Properties

- 15.16 Firstly, it is acknowledged that given the location of the existing two-storey dwelling, a number of first floor windows have direct overlooking into neighbouring gardens and properties. The demolition of this dwelling and replacement dwelling in the proposed location is considered betterment to the existing situation.
- 15.17 However, the impact of the proposed dwelling on neighbouring properties still needs to be carefully considered. Given the orientation, siting and design of the proposed dwelling, and applying the guidance outlined in the adopted 'Extending Your Home?', it is considered the proposed dwelling would not have an adverse impact upon the existing residential amenities of No.13 Glen Avenue, including overlooking and outlook.

- 15.18 Similarly, by applying the same guidance, the proposed dwelling would not have an adverse impact upon the existing residential amenities of No.9 Glen Avenue, including overlooking and outlook. It is noted that three no. first floor windows are located in the side (south) elevation facing towards No.9 Glen Avenue. These windows serve an en-suite, bathroom, and bedroom. The applicant has indicated that these windows will be obscure glazed, and the bedroom window (which is a habitable room as described in the Essex Design Guide where special attention needs to be applied to overlooking issues), will be obscure glazed and non-opening as this is a secondary bedroom window. Given that this can be conditioned and retained in perpetuity, it is considered these windows will not have an adverse impact upon residential amenity.
- 15.19 Furthermore, due to orientation and siting, the proposed dwelling is not considered to have an adverse impact upon any other existing residential properties, including those in Bramley Close or Elianore Road.

Amenity Provisions

- 15.20 Policy DP19 requires residential dwellings to have a minimum of two parking spaces for each dwelling of two or more bedrooms. The proposed replacement dwelling is afforded an integral garage which measures 7 metres by 3.4 metres (internally) and is therefore in accordance with the required dimensions for a garage. Moreover, the proposed layout of the site provides frontage parking and turning for further vehicles. As a result, the proposal is considered to be in accordance with adopted standards.
- 15.21 Policy DP16 requires all new residential development to be provided with private amenity space to a high standard, and for houses with 4 or more bedrooms, a minimum of 100 sq m should be provided. The site layout provides for approx. 312 sq m of private amenity space to the rear of the proposed dwelling, and as a result the proposal is considered to be in accordance with adopted standards.

Highway Issues

- 15.22 It is noted that the existing vehicular access is to be retained. Essex County Council as the Highway Authority has been consulted, and having assessed the details of the application they do not wish to submit a formal recommendation. On that basis, the proposal is not considered to have an adverse impact on highway safety.

Other Matters

- 15.23 Archaeology
The application site lies in an Area of High Archaeological Potential (Lexden Ward), and given the archaeologically sensitive nature of the area, the proposed works have the potential to damage archaeological remains. As a result, it is considered necessary and in accordance with the NPPF that a programme of archaeological work (trial-trenching evaluation) should precede construction. This can be imposed as a condition on the planning permission.

15.24 Site Stability

Concerns have been raised with regards to the excavations to create a basement and that this will affect the stability of surrounding properties. Whilst these concerns are appreciated, such matters would be dealt with at the building regulations stage, and therefore do not represent a constraint to granting planning permission.

15.25 Objections

The concerns of local residents have in the main been addressed in the report above. With regards to possible future conversion to flats, such a conversion would require planning permission and a proposal would need to be assessed on its own merits. Given the character of the area it is your officer's view that such a proposal would not be looked upon favourably.

15.26 With regards to concerns over noise, dust and disturbance etc. during the demolition and construction of the proposed dwelling, whilst these concerns are appreciated, they do not represent a constraint to granting planning permission. The Council's Environmental Protection team have been consulted on the application, and have requested conditions such as a Construction Method Statement to be submitted before any demolition or construction of works on the site, in order to ensure that the construction/demolition takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

15.27 Similarly, the Environmental Protection team have requested an hours of working condition, to limit the adverse impact on the amenity of the area and to nearby residents by reason of undue noise at unreasonable hours. The condition would require no demolition or construction outside of the following times:

- Weekdays – 08:00-18:00
- Saturdays – 08:00-13:00
- Sundays and Public Holidays – None

15.28 A concern has been raised with regards to adherence to conditions. Should any conditions imposed upon the planning permission be breached, these can be investigated by the Council's Planning Enforcement team.

16.0 Conclusion

16.1 The proposed replacement dwelling is considered to be acceptable, and subject to conditions to control the use of materials etc., would not have an adverse impact upon the visual amenity of the area, or the amenities of occupants of existing neighbouring properties. Furthermore, the site layout accords with the adopted amenity standards in terms of parking provision and amenity space.

17.0 Recommendation

APPROVE subject to conditions.

18.0 Positivity Statement

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

19.0 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 107-2014-02PB, 107-2014-03PB, 107-2014-04PB, and 107-2014-05PB.

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

3 – Materials to be Agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

4 – Removal of PD – Obscure Glazed and Non-Opening

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the bedroom window in the first floor south (side) elevation shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

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

5 – Removal of PD – Obscure Glazing but Opening

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor windows in south and north (side) elevations shall be glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

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

6 – Simple Landscaping Scheme Part 1 of 2

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

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

7 – Simple Landscaping Scheme Part 2 of 2

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

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

8 - Non-Standard Condition/Reason

No development shall be commenced until precise details of the measures that will be put in place to protect the trees shown to be retained on drawing no. 107-2014-02PB have been submitted to and agreed in writing with the Local Planning Authority. Protection measures shall be in accordance with BS5837. The measures as agreed shall be retained throughout the duration of demolition, building and engineering works in the vicinity of the trees to be protected.

Reason: There are several trees considered to have an important amenity value and form an important part of the character of the area. Detailed measures for the protection of these trees during demolition and construction phases are therefore required.

9 - Non-Standard Condition/Reason

No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason - To protect and prevent the pollution of the water environment.

10 - Non-Standard Condition/Reason

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To protect and prevent the pollution of the water environment.

11 - Non-Standard Condition/Reason

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To protect and prevent the pollution of the water environment.

12 - Non-Standard Condition/Reason

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason - To protect and prevent the pollution of the water environment.

13 - Non-Standard Condition/Reason

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To protect and prevent the pollution of the water environment.

14 – Full Archaeological Condition

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 – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

16 – 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: NONE

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.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**
PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

Sustainable Drainage Systems

1. Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
2. Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
6. SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and draft National Standards for SuDS (Defra, 2011). For further information on our requirements with regard to SuDS see our Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) document Position Statements G1 and G9 – G13 available at: <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>.