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### Item No: 7.3

**Application:** 191984

**Applicant:** S Cullis

**Agent:** Mr Andy Cameron

**Proposal:** New Dwelling with associated parking and Amenity following demolition of existing dwelling and outbuildings.

**Location:** 89 Chapel Road, West Bergholt, Colchester, CO6 3HB

**Ward:** Lexden & Braiswick

**Officer:** Chris Harden

**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 Cllr Barber "On the grounds submitted by the Parish Council."

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the design, scale, form and layout of the replacement dwelling, impact upon the character of the street scene and the impact upon neighbouring residential amenity and highway safety.
- 2.2 The revised application is subsequently recommended for approval. It is considered that the design, scale, form and layout of the dwelling would be in keeping with the character of the street scene and surroundings and would not represent an overdevelopment of the site. It is not considered there would be any significant impact upon neighbouring residential amenity owing to the positioning and scale of the dwelling and proximity to neighbouring property. A rear dormer has been omitted to ensure there would not be overlooking. There are no objections from the Highway Authority and the scheme would not be detrimental to highway safety. There is room for parking provision on site although it is unclear whether or not this site is allowed parking under a Covenant. Whilst this is not a change from the current situation, the parking provision condition will need to be complied with if the permission is to be implemented. There would be adequate private amenity space provision in accordance with Local Plan Policy.

## **3.0 Site Description and Context**

- 3.1 The site lies within the settlement limits of West Bergholt and contains a twin gabled, modestly sized single storey dwelling with a flat roofed rear extension. Vehicular access is taken off Spring Lane which runs alongside the dwelling and serves other dwellings although there is debate as to whether the site is allowed vehicular parking under a covenant.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the demolition of the existing single storey dwelling and its replacement by a single 1 ½ storey dwelling. This would be 7.150 m high, (reduced from 7.3 m) with a main gable width of 6 m. It is shown to have 3 bedrooms upstairs with a study/bedroom downstairs.
- 4.2 The scheme has been amended during this application by reducing the main gable width of the dwelling from 7.7 metres to a more traditional 6 metres. This results in a more traditional, steeper pitch and also slightly reduces the footprint of the dwelling. A rear facing dormer has also been omitted and replaced by a high level rooflight in the interests of privacy protection.
- 4.3 Two parking spaces are shown and the existing front and rear hedge would be retained. The previous proposal was for a pair of semi-detached 1 ½ storey dwellings (190423) which was refused at Committee.

## **5.0 Land Use Allocation**

- 5.1 Settlement limits.  
Residential curtilage

## **6.0 Relevant Planning History**

- 6.1 190423. Two new dwellings with associated parking and amenity following demolition of existing dwelling.

Refused for the following reasons:

“The redevelopment of this prominent corner plot in the detailed manner proposed for a pair of semi-detached dwellings would result in a cramped and contrived form of over-development that would fail to reflect or respect the established semi-rural character of this part of West Bergholt village by reason of the density of the development proposed and the relationship with neighbouring properties and resultant harmful and overbearing impact upon the streetscene.” (Policies then listed.)

## **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  
H4 - Affordable Housing  
UR2 - Built Design and Character  
PR2 - People-friendly Streets  
TA1 - Accessibility and Changing Travel Behaviour

- 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  
DP14 Historic Environment Assets

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  
DP21 Nature Conservation and Protected Lanes

- 7.4 Some “allocated sites” also have specific policies applicable to them in accordance with the adopted Site Allocations (adopted 2010) policies, although the policies are not applicable to this case.
- 7.5 The Neighbourhood Plan for West Bergholt is also relevant. This forms part of the Development Plan in this area of the Borough.
- 7.6 Submission Colchester Borough Local Plan 2017-2033:  
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.7 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  
Affordable Housing  
Sustainable Construction  
Sustainable Drainage Systems Design Guide  
Managing Archaeology in Development.  
West Bergholt Parish Plan & West Bergholt Village Design Statement

## 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 Highways Authority state:

DRAWING NUMBERED 1592/P01d

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

1 All off street car parking shall be provided in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

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.

2. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that 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 within the site which shall be maintained free from obstruction and retained thereafter.

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.

3. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) 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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

8.3 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.

- 8.4 Environmental Protection make comments in relation to best practice for construction (Informative) plus recommend conditions in relation to:

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

## **9.0 Parish Council Response**

- 9.1 The Parish Council initially stated on the original submission:

“Comment: The Parish Council would like to request an extension in time whilst CBC seeks answers to the following questions. Firstly, it would like to express concern regarding the height of the proposed dwelling. Could CBC request that the ridge height be added to the plans as currently only a cursory view can be made without it. The Council would also ask for a street scene with the existing and proposed ridge heights of the adjacent properties in order to show the relationship to its neighbours. The reasoning behind this is so that we can avoid a repeat of the 2 Donard Drive application 131924 which resulted in a dwelling that now dominates a prominent corner of Chapel Road. The Council is concerned at the loss of yet another bungalow and would prefer a like-for-like replacement rather than another 3-4-bedroom house which will swamp the neighbouring property and lane. Also, has the legal access to Spring Lane been proven yet?”

- 9.2 The Parish Council reiterates its previous comments, that the proposed dwelling is still too large for the site and a building 1 metre lower would be preferable to one which will swamp the neighbouring property and lane. It would also like the Borough to note the inaccuracies on the street view drawings.

Chapel Road slopes downwards in the direction of the Queen’s Head pond, but the effect of this has not been considered in the drawings. The building was previously refused because of its height however the revised dwelling is equally as big.

The Council would again reiterate its request for the survey heights of the proposed and adjacent roofs in order to make a more accurate judgement. The feeling is that something will be built there and we can't realistically expect a like for-like, but it needs to be a dwelling more subservient than the current proposals.

## **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 21 letters of objection have been received (some 2-3 times from same address) which make the following comments:

- Will dominate. Design out of keeping. Too big. Overdevelopment. Too high. Should be 1 m lower.
- More than 2 cars needed. Not enough turning space. No right to park.
- Should be like for like.
- Private lane issue.
- Overlook opposite. Overshadows. Loss of light to house and garden. Dormer overlooks garden.
- Not sustainable.
- Should be light colour.
- Highway danger.
- Asbestos.
- Porch overbearing.
- Other bungalows replaced.
- Amended plan very similar.
- Detracts from street scene.
- Contrary to Neighbourhood Plan

## **11.0 Parking Provision**

11.1 The plans show two parking spaces located to the rear of the property. This is discussed in detail in the main body of the report.

## **12.0 Accessibility**

12.1 Under the Equalities Act, the proposed dwelling is relatively accessible and could accommodate adaptation to increase accessibility were this to be required by future occupants.

## **13.0 Open Space Provisions**

13.1 Not applicable.

## **14.0 Air Quality**

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

## **15.0 Planning Obligations**

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

## **16.0 Report**

### Principle of Development

- 16.1 The site lies within the settlement limits of West Bergholt. Accordingly, the proposal should be judged on its planning merits having regard to settlement policy SD1 which aims to direct development to the most accessible and sustainable locations in accordance with the settlement hierarchy.

### Design, Form, layout and Impact in the street scene

- 16.2 It is considered that the revised design and layout of the proposal is now acceptable and in keeping with the character of the street scene and surroundings. The dwelling has a gable width of 6m, which gives it a more traditional appearance, including a steeper pitched roof. It is also of modest height, being 7.15 metres which is a traditional 1 ½ storey cottage height. Anything lower and there would be potential head height problems at first floor level so the height has been minimised for a 1 ½ storey dwelling. The front dormers are of an appropriately traditional form and do not dominate the roof. Overall, the revised design represents a dwelling of traditional proportions, scale and form, which, whilst larger than the existing single storey dwelling it replaces would be in keeping with its surroundings, in accordance with Policy DP1 which provides that development must respect the character of the site, its context and surroundings.
- 16.3 It is not considered the fact that the adjacent dwelling is single storey would justify not allowing a modest 1 ½ storey dwelling adjacent to it. There are numerous examples throughout the country where 1 ½ or even two storey dwellings can be positioned satisfactorily next to a single storey dwelling without undermining the character of the street scene. The street already has a number of 1 ½ and two storey dwellings within it, so this replacement proposal would be in keeping with the overall character of the street scene, particularly as it is of modest height and is of traditional proportions and detailing. It is not considered that the front porch can be objected to in terms of scale and design. It has a traditional pitch roof and is not excessive in size.
- 16.4 As the replacement dwelling would not be out of keeping with the surrounding built form and is of traditional design and scale it is thus not considered the proposal would contravene the provisions of the Village Design Statement to any significant degree or the Neighbourhood Plan. The single storey dwelling to be removed does not have any significant historic merit that would warrant its retention and the existing rear flat roofed extension also is not particularly visually attractive.



16.5 The frontage hedge is to be retained and this will retain this attractive feature and preserve the character of the street scene in this respect too.

16.6 In terms of layout, the site is considered to be large enough to accommodate a dwelling of this footprint without appearing cramped or representing an overdevelopment of the site. There are sufficient gaps between the dwelling and both side boundaries and the positioning of the dwelling also respects the building line in the street, being a bit further forward than the neighbouring dwelling to the West but slightly further back than the dwelling to the East in a varied street scene.

Impact upon neighbouring residential amenity

16.7 It is considered that the proposed dwelling is in such a location to avoid appearing overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement. The reduced gable width of the proposed dwelling means that the rear of the dwelling does not project as far as the neighbouring property (89a). In addition the rear 1 1/2 storey wing has been positioned on the part of the rear elevation as far as possible from the neighbouring dwelling (89a) with the single storey element being the element closer to 89A, avoiding an overbearing impact.

16.8 Accordingly, there are no concerns regarding loss of light as the combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide.

16.9 Now that the rear facing dormer has been omitted, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD. The other first floor rear window would face towards the rear garden of the application site rather than directly facing the neighbouring dwelling and garden area. The side facing bathroom window can be obscure glazed to a height of 1.7 m above floor level in order to avoid overlooking from these windows, as can the rooflights.

16.10 It is not considered that there would be a significant impact upon neighbouring amenity from noise and disturbance from the manoeuvring of cars that would potentially use the car parking spaces on site. Whilst these spaces are close to the neighbouring boundaries this does not change the existing potential provision on site notwithstanding there may be a covenant restricting parking on site.

### Highway Safety and Parking

- 16.11 It is considered there is ample space for vehicles to reverse into Spring Lane and to then enter Chapel Road in forward gear. Two car parking spaces are shown and do not represent a significant change to what exists on site apart from the removal of a small 'garage' type building and its replacement with a space. The parking spaces are also considered to be of sufficient size to meet the highway standards: one meets the preferred 5.5m by 2.9 m, and the second, being 3 m x 5m exceeds the minimum 2.5 x 5m bay size which can be allowed in certain circumstances where there are particular constraints as referred to in Policy DP19. It is not considered an objection can be raised to this parking arrangement given that this is a replacement dwelling and the existing dwelling exists without conditions controlling parking provision.
- 16.12 The fact that permission may be granted by the Local Planning Authority for the use of Spring Lane for potentially additional cars does not overrule any private property rights or covenants in respect of the use of this lane. The parking condition will be applied and will need to be complied with if the development is to be implemented.

### Private Amenity Space Provision

- 16.13 The proposal shows the provision of just over 100m<sup>2</sup> of private amenity space for the dwelling. This accords with the provisions of Policy DP16 which states that for 3 bedroomed houses a minimum of 60m<sup>2</sup> of private amenity space should be provided and for 4 bedroom houses, 100 m<sup>2</sup> should be provided. On the plans a downstairs study/bedroom is shown, so potentially there could be a 4<sup>th</sup> bedroom.

### Other Matters

- 16.14 There are no trees or vegetation of significance that would be affected by the proposal. The low frontage hedge would be retained.
- 16.15 There are no archaeological implications so the proposal would not conflict with Policy DP14 which aims to protect features of archaeological interest.
- 16.16 It is not considered there would be a detrimental impact upon wildlife on the site. There is no requirement for a wildlife mitigation (RAMS) as the proposal does not create an additional dwelling. Accordingly, it is not considered the proposal would contravene Policy DP21 which aims to conserve or enhance biodiversity.

## **17.0 Conclusion**

- 17.1 To summarise it is considered that the design, scale, form and layout of the dwelling would be in keeping with the character of the street scene and surroundings and would not represent an overdevelopment of the site. It is not considered there would be any significant impact upon neighbouring residential amenity owing to the positioning and scale of the dwelling and proximity to neighbouring property. A rear dormer has been omitted to

ensure there would not be overlooking. There are no objections from the Highway Authority and the scheme would not be detrimental to highway safety. There is room for parking provision on site although it is unclear whether or not this site is allowed parking under a Covenant. Whilst this is not a change from the current situation, the parking provision will need to be complied with if the permission is to be implemented. There would be adequate private amenity space provision in accordance with Local Plan Policy.

## **18.0 Recommendation to the Committee**

18.1 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 in Accordance with Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: P01d and P02d received 31/10/19, P03 received 29/8/19.

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

### **3.ZBC – Materials To Be Agreed**

Notwithstanding the submitted details, no external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these 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. Non Standard Condition – Parking Provision**

All off street car parking shall be provided as shown on drawing P02d prior to occupation of the new dwelling and shall be maintained free from obstruction and retained thereafter.

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

### **5. Non Standard Condition - Construction Management Plan**

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) 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.

## **6. ZPD - Limits to Hours of Work**

No demolition or construction work shall take outside of the following times; Weekdays: 08:00-18:00, Saturdays: 08:00-13:00 , Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

## **7.ZFQ- Tree and Natural Feature Protection**

No works shall take place until the front and side boundary hedging has 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 on the site.

## **8.ZDF- Removal of PD Obscure Glazing**

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), any rooflights with a bottom cill that is not a minimum of 1.7 m above first floor level, and the 1st floor bathroom windows in the side elevation shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity (1.7 m above floor level) 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.

## **9. ZDC - Removal of PD for All Residential Extensions & Outbuildings**

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority. This permission does

not grant approval for any shed/outbuilding on site.

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

#### **10. Non-Standard Condition – Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared that is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

### **19.0 Informatives**

19.1 The following informatives are also recommended:

#### **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. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

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

### **3. Non Standard Highway Informative**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at

development.management@essexhighways.org or by post

to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### **4. Non-Standard Informative**

This permission does not grant permission for the erection of sheds as shown on the layout plan which are deemed to be shown as for illustrative purposes only and no elevations are shown.

### **5. Non-Standard Informative**

Any asbestos on site will need to be removed by a Licensed Contractor.