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Item No: 7.4

Application: 170349

Applicant: Mr & Mrs Holmes

Agent: Mr Peter Tyler

Proposal: Proposed garden pavilion. (Resubmission of application 162722).

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

Ward: Marks Tey & Layer

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 the agent undertakes consultancy work for the Borough Council.

2.0 Synopsis

- 2.1 Planning permission for exactly the same building in the same location with the same internal use was granted in January 2017 following approval at that Planning Committee. The differences between the previous approval and the current proposal relate to the use/finishes of external roof and wall materials. The differences in the appearance of the building therefore need to be assessed. The key issues relating to 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 were previously deemed acceptable.
- 2.2 The impact upon vegetation, including upon a nearby Spruce tree and Ash and Birch tree was also previously considered acceptable. In this case, the revised use of materials is considered acceptable and would not be detrimental to the visual amenity of the area or to the street scene. The design, scale and form of the garden pavilion, which replaces an existing garden building, remain acceptable and would not detract from the character of the area and street scene.
- 2.3 As before, there would be no significant impact upon neighbouring amenity owing to the relatively small scale of the building and distance from neighbouring dwellings. As the building would be in the same location as previously agreed, once again it is not considered there would be any significant impact upon important trees and vegetation subject to tree protection conditions 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 Potential. 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 Chestnut Brown coloured hardie plank and Redland Cambrian slate (as opposed to the previously approved light hardie plank and red concrete tiles). It would measure 3.7 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 Predominantly residential.

6.0 Relevant Planning History

- 6.1 162722 Garden Pavilion: Approved conditional 6/1/17
- 6.2 F/COL/03/0600 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."

9.0 Parish Council Response

- 9.1 The Parish Council "has no objections."

10.0 Representations

- 10.1 None.

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

Revised Materials, Design and Visual Impact

- 15.1 In this case the revised use of materials is considered acceptable and would not be detrimental to the visual amenity of the area or to the street scene. Visually, the slates would probably appear better than the previously approved concrete tiles and the darker boarding would blend with the darker backdrop of trees. The design, scale and form of the garden pavilion, which replaces an existing garden building, remains acceptable and would not detract from the character of the area and street scene. As the pavilion would be to the rear of the property it would not be visually obtrusive.

Impact upon neighbouring residential amenity

- 15.2 As before, 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. The impact of the building in this respect would not change compared with the previous approval.

Impact upon trees and vegetation

- 15.3 The proposed building would be in the same position as previously approved. Accordingly, it is considered that the impact upon nearby trees and vegetation remains acceptable. As background, the submitted arboricultural report, which was also previously submitted, 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, as before, subject to conditions, it is not considered there would be any significant impact upon important trees and vegetation.

Other Matters

- 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. 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, the revised use of materials is considered acceptable and would not be detrimental to the visual amenity of the area or to the street scene. The design, scale and form of the garden pavilion, which replaces an existing garden building, remains acceptable and would not detract from the character of the area and street scene.
- 16.2 As before, there would be no significant impact upon neighbouring amenity owing to the relatively small scale of the building and distance from neighbouring dwellings. As the building would be in the same location as previously agreed, once again 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 – ZAA Time Limit for Permission

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 of 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, 868-2B and 868-3 received 9/2/17.

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

3 – Non Standard Condition - 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 – 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 – Purposes ancillary to residential use

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

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.

Non Standard Informative

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.