



Application No: 160920

Location: 248 Mill Road, Colchester, CO4 5JE

Scale (approx): 1:1250

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7.2 Case Officer: Carl Allen

Due Date: 14/06/2016

Site: 248 Mill Road, Colchester, CO4 5JE

Application No: 160920

Date Received: 19 April 2016

Agent: Mr Michael Edmonds

Applicant: Mr Martin Wakley

Development: Demolition of existing house, garage and outbuilding, erection of two semi-detached and one detached two storey houses.

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Goss has called-in the application for the following reasons:-

‘This application like the previous one is major over development for a small scale site and the area itself has one of the biggest traffic volumes running along Mill Road which makes access onto the site difficult. Thomas Wakley Close is most definitely not suitable for any entry or exit from the site and any development traffic if this was ever approved must not come in or out of Thomas Wakley Close. This should be refused on over development, poor access and the application is not sustainable’.

2.0 Synopsis

- 2.1 The key issues explored below are that of amenity, design and highways. In these regards the proposal is considered to be acceptable and complies with policy. Approval with conditions is recommended.

3.0 Site Description and Context

- 3.1 248 Mill Road is a detached dwelling which occupies a corner position with Thomas Wakley Close to the east and Mill Road to the south. The part of the site that fronts onto Mill Road is for the most part garden. The adjoining neighbours are to the north (1 Thomas Wakley Close) and to the south-west (202 Mill Road). A detached garage is located between 248 Mill Road and 1 Thomas Wakley Close.

4.0 Description of the Proposal

- 4.1 To demolish the existing dwelling and garage of 248 and replace with three dwellings. Two of these (Plots 1 and 2) would be semi-detached and would front Mill Road. These dwellings would be four bedroomed dwellings. Vehicle parking would be provided to the front and there would be a car port that would link the dwellings. One dwelling (Plot 3) would be positioned to front Thomas Wakley Close and would occupy the area that currently has the garage and part of the dwelling of 248 on it. This new dwelling would four bedrooms and would have parking to the front and a car port.

5.0 Land Use Allocation

- 5.1 Residential.

6.0 Relevant Planning History

- 6.1 150104 – Demolition of existing house, garage and outbuilding. Erection of 4 semi-detached houses. Withdrawn.
- 6.2 151591 – Demolition of existing house, garage and outbuilding. Erection of 4 semi-detached houses (resubmission of 150104). Refused.

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 Location
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
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

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

Backland and Infill
Vehicle Parking Standards
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 Highways – No objection subject to conditions.

8.2 Environmental Protection – No objection subject to hours of work/demolition/deliveries.

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

9.0 Parish Council Response

9.1 The Parish Council have stated that they object to the proposal for the following reasons:

- No meaningful plans for heights and layout
- Thomas Wakley Close is very condensed and visitor parking is impossible
- Existing dwelling is in a prominent position and blends in well with the surroundings and there is no reason to demolish it and this is not in accordance with the Neighbourhood Plan
- Height would affect privacy and light to neighbours
- Overdevelopment
- Although on Mill Road it will have a greater impact on residents in Thomas Wakley Close.

10.0 Representations

10.1 One letter of objection and a nine name petition. Object due to:

- no exact details of heights and location of the homes
- cannot tell what the impact on light and space
- overdevelopment
- two parking spaces for a four bedroom home is not enough
- no on road parking available at Mill Road or Thomas Wakley Close
- visual impact
- must be protection in place to keep disruption to a minimum.

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

11.0 Parking Provision

11.1 Six off-street spaces would be provided.

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

Design

15.1 The existing building of 248 Mill Road is not an unattractive house – although it does lack any special features - and it appears to be older than the dwellings around it. The dwelling is not Listed, is not in a Conservation Area and is not locally listed. Given these factors it is difficult to make a case for the buildings retention. The Myland and Braiswick Neighbourhood Plan does not have any policies that would prevent the existing dwelling from being demolished and there is no reason to refuse the proposal based on the existing dwelling being demolished.

15.2 The existing dwelling of 248 sits in a very large plot is much larger than found elsewhere in the area. Because of this the proposal would three dwellings would result in plot sizes that are very much in character with those in Thomas Wakley Close. The proposed dwellings would have gardens that would comply with the requirement for four bedroom dwellings in DP16 – as they would all have over 100sqm of garden areas each. The result of this is that the dwellings do not appear cramped on the site or overdeveloped. Given recent changes to what can be built under Permitted Development it would be prudent to removed Permitted Development Rights for extensions given how the plot boundaries are set out.

15.3 The immediate character of Mill Road and Thomas Wakley Close is characterised by small groups of dwellings that have a close design bond with each other in their groups. Whilst the three proposed dwellings would have a different design to these various existing small groups they would form their own distinct design group. The proposed height of the dwellings (Plots 1 and 2) on Mill Road would be no higher than the height found at no. 202 Mill Road, whilst the gable of the proposed dwelling fronting Thomas Wakley Close (Plot 3) would be marginally higher than the neighbour at no.1 Thomas Wakley Close. Given these heights they would appear to be harmony with the overall scale of the neighbours. The exact external materials should be conditioned as they are somewhat vague in the application. All three proposed dwellings would follow the building lines for the roads that they most relate to. The proposal is considered acceptable in design terms and accords with DP1 and UR2.

Amenity

- 15.4 The proposed dwelling fronting Thomas Wakley Close would be 2m at the closest point (the front) with no.1 Thomas Wakley Close and 3m at the furthest point (at the rear). A 1m gap between the site and the boundary would be a constant. The proposal would be to the south-west of the neighbour which together with the distance would mean that shade would only be cast in the latter parts of the day. The neighbour does have two first floor windows on its side elevation closest to the proposal but these would not be affected by any overshadowing. The proposed Mill Road dwellings would be 4m from the neighbour at 202 Mill Road and would have 1m to the boundary. 202 also has a first floor window on the elevation nearest the proposed dwellings. This neighbour is to the west of the proposed dwellings and so there would be no overshadowing.
- 15.5 With regards to overlooking, the proposed dwellings would actually result in less overlooking to the existing neighbours. The existing dwelling of 248 is positioned so that the front elevation windows look out into the rear garden of 202 Mill Road. The proposed dwellings along Mill Road would be in line with the existing neighbours and the proposed rear elevation windows would have a much improved relationship with the neighbour and there would be a much reduced exposure to overlooking. Likewise with no.1 Thomas Wakley Close – the proposed rear windows would have an improved relationship/orientation with this neighbour. Given these factors, the proposal would not result in any unacceptable amenity issues and complies with DP1. It is noted that disturbance during the construction phase is not a reason to refuse the application and that the conditions suggested by Environmental Protection should address the concern raised.

Highways

- 15.6 Both of the dwellings that would front onto Mill Road would use an existing access onto the highway whilst the new dwelling that would front onto Thomas Wakley Close would have an existing access on to the Close closed and a new one formed – so there would be no increase in accesses in Thomas Wakley Close. Highways have no objection to any of these new accesses. Comment has been made that four bedroom dwellings should have more than two off-road parking spaces each, however the Parking Standard requires new dwellings of two plus bedrooms to provide two off-street spaces. Therefore in this regards the proposal has the correct number of spaces. The proposed car ports are a little short of the width required to be counted as parking spaces but there is enough space to the front of the dwellings to comply with the Standard. In the case of the two semi-detached dwellings there is a dedicated parking space for each dwelling to the front and there is enough space in front of the car ports to be regarded as a parking space for each dwelling. In the case of the proposed dwelling that would front onto Thomas Wakley Close, there is a dedicated parking space in front of the car port and there is space in front of the dwelling that could be utilised for a parking space – and this should be conditioned. With these considerations the proposal would comply with the Parking Standard and DP19.
- 15.7 In regards to comments that there is no parking available on Mill Road or Thomas Wakley Close, it is noted that there are double yellow lines on the junction with the two roads and then there are no restrictions.

15.8 The site is in the Settlement Boundary and is therefore where new residential is directed. As such the location is considered sustainable and accords with SD1.

16.0 Conclusion

16.1 The proposal is considered to be acceptable with no design, amenity or highway concerns.

17.0 Recommendation

17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 663/10, 663/9, 663/8, 663/7 and Location Plan unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall 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 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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/Reason

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 17 metres to the north and 2.4 metres by 17 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

5 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and/or turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

6 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

7 -Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

8 - Non-Standard Condition/Reason

Notwithstanding the approved details no development shall commence on Plot 3 until revised details regarding parking spaces outside the dwelling have been sent to and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

Reason: To ensure that there is adequate space for parking off the highway, in the interest of highway safety.

9 - Non-Standard Condition/Reason

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have 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.

10 - Non-Standard Condition/Reason

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have 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:

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- 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.

11 - Non-Standard Condition/Reason

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

- Weekdays: 8am to 6pm
- Saturdays: 8am to 1pm
- 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.

12 - Non-Standard Condition/Reason

Notwithstanding the provisions of Classes A, B, C and D of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

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

19.0 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.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.