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**Item No:** 7.5

**Application:** 200328

**Applicant:** Mr Kotomski

**Agent:** Mark Perkins

**Proposal:** Demolition of chalet bungalow and construction of two new dwellings .

**Location:** 23 Creffield Road, Colchester, CO3 3JA

**Ward:** New Town & Christ Church

**Officer:** Eleanor Moss

**Recommendation:** Approval subject to conditions

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because Cllr Whitehead called-in the application for the following reason:  
*As per the objections submitted, I have concerns that the current designs may infringe on the privacy of rear neighbour, and may obstruct light to the next door property. I am also concerned about the loss of the magnolia.*

## **2.0 Synopsis**

- 2.1 The key issues explored below are design, traffic and highway implications, flood risk, impact on ecology, impact upon trees and Conservation Area. The impact on neighbouring amenity and the surrounding area are also discussed in the report. The report concludes that subject to appropriate mitigation measures (conditions), the development is acceptable and is consequently recommended approval.

## **3.0 Site Description and Context**

- 3.1 The application site relates to No.23 Creffield Road which is located in the Conservation Area and an Article 4 Direction also applies to this area. The existing building is a modern one and a half storey dwelling. The plot is fairly generous when compared to the locality. The site contains a number of trees and due to the location in the Conservation Area, these cannot be removed without consent from the LPA.

## **4.0 Description of the Proposal**

- 4.1 Demolition of the existing dwelling and erection of two dwellings.

## **5.0 Land Use Allocation**

- 5.1 Residential

## **6.0 Relevant Planning History**

- 6.1 None directly relevant to this application

## **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  
UR2 - Built Design and Character  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
TA3 - Public Transport  
TA4 - Roads and Traffic  
TA5 - Parking  
ENV1 - Environment

- 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  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP4 Community Facilities  
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

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA H1 Housing Allocations

- 7.5 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 submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

**7.6** 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  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction

## **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.

**8.1** Historic Buildings and Areas Officer:

The application site is situated within the designated Lexden Road, The Avenue Conservation Area. There is a number of locally listed building in the vicinity of the site including Creffield Terrace at 1-15 Creffield Rd, 25 Creffield Road and 6 Oxford Road ( North side) and Thane Villa at 14 Creffield Rd, Woodbine at 16 Creffield Rd and 18 Creffield Road (South side).

According to Planning (Listed Buildings and Conservation Areas) Act (1990), Section 72(1), planning decisions shall have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. At the same time, NPPF's Section 16, Par. 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The application site was not developed in the late 19<sup>th</sup> century as the adjacent plots. The present building does not have any historic or architectural merit and its appearance detracts from the character of the Conservation Area. Therefore, there are no objections to its removal and replacement by two new dwellings, subject to a design that is suitable for the location and represents an improvement to this part of the Conservation Area.

The site has the capacity to accommodate two dwellings of this size as per the established pattern of development and the urban grain of the area. The use of traditional design that replicates the 19<sup>th</sup> century architectural vocabulary causes some concerns in terms of authenticity but limits the prospect of controversy about the proposed design in an area where the integration of new buildings is quite challenging. Still, there are some aspects of the design that can benefit from further consideration:

I appreciate that the building of Plot 1 is proposed to be of red brick in order to respond to 25 Creffield Road, while gault brick is proposed for the second dwelling. Gault brick is the prevalent material in the section of Creffield road between Oxford Street and Maldon Road. 25 Creffield road is the only building that is built of red brick and its Local List entry notes the building's individual design. In my view, no 25 should be allowed to remain as the single example of red-brick building in this part of the Conservation Area and gault brick should be used for both new dwellings.

The design of the dwelling of Plot 1 reflects the design of a scheme that was approved by planning permission 150250 at 19 Oxford Road. Some details and features of the corner building, such as the timber-framed upper storey, apparently refer to the architecture of 21 Oxford Road. Since the built context in the immediate vicinity of the application site is different, there is no justification for repeating the same design for the dwelling of Plot 1.

The design of the dwelling of Plot 2 responds to the style of 21 Creffield Road. However, and because of its shorter width, some features do not translate very successfully due to their altered proportions: the dormers look too narrow and the two-storey bay windows are set rather too close to the corners of the building.

Therefore, there are no objections to the demolition of the present building and its replacement by two dwellings but the proposals cannot be fully supported at their present form. It is recommended that the issues that are discussed in Par. 4.5 -4.7 are addresses before a decision is made in respect of this application.

*Officer comment: The proposal has been revised since submission and amendments to the design have been secured. In light of these, the Historic Buildings and Areas Officer does not raise any further comments or objections to the scheme.*

## 8.2 Archaeological Advisor:

The proposed development is located within an area of archaeological interest recorded in the Colchester Historic Environment Record, within the area of a Roman cemetery. There is high potential for locating burials and other archaeological remains at this location. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

### 8.3 Environmental Protection:

No objections raised, conditions in relation hours of construction and electric vehicle charging points recommended.

### 8.4 Arboricultural Officer:

I am in agreement with the tree survey provided but disagree with the conclusions of the impact assessment.

The proposal will require the felling of Lime T3 and a significant incursion into the root protection area of Lime T4.

T3 is a B category tree as per BS5837:2012 and should be retained.

T4 is a B category tree as per BS5837:2012. The installation of the the new access and the reduced dig will result in the loss of root area and will compromise the trees ability to absorb water and will disrupt the trees ability to perform gas exchange.

*Officer comment: A revised Arboricultural Impact Assessment has been submitted which retains both T3 and T4. The Arboricultural Officer had no further comments to make.*

### 8.5 Landscaping Officer:

The landscape content/aspect of the strategic proposals lodged on 08/04/20 would appear satisfactory. This provided the Arboricultural Officer is satisfied that the long-term viability of the trees to the frontage, which have considerable amenity value in landscape terms, are secure in the long term.  
A landscaping condition is also recommended

### 8.6 Highway Authority :

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.  
Planning conditions are also recommended.

## 9.0 Representations from Notified Parties

9.1 The application resulted in a number six of notifications being submitted following the consultation exercise, from three interested third parties. 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:

- Restricting light and visibility to neighbouring property
- Overlooking to neighbouring properties impacting upon amenity
- Noise and disturbance to neighbouring properties
- Impact upon wildlife
- Surviving bungalows close to the Town Centre should be retained
- Impact upon magnolia tree
- Loss of on street parking
- Does not accord to "Passivhaus" standards
- Undermines legal right to light
- Out of keeping with street scene

## **10.0 Parking Provision**

10.1 Four off-road car parking spaces are proposed and one a replacement on-road parking bay is proposed. The replacement on-road car parking bay has been agreed with the NEPP, and would be available to all relevant parking permit holders.

## **11.0 Accessibility**

11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In terms of the proposal, the scheme is capable of providing a step free access. Based on the submitted information, the scheme is not considered to cause discrimination in terms of The Equality Act.

## **12.0 Environmental and Carbon Implications**

12.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application is considered to represent sustainable development (see paragraph 16.1 of the main report).

## **13.0 Open Space Provisions**

13.1 The proposal falls below the threshold for requiring open space provisions.

## **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. The application has been submitted with a Unilateral Undertaking which secures community and leisure contributions. The application has also provided the required RAMS mitigation contribution.

## **16.0 Report**

### Principle of Development

- 16.1 In accordance with Core Strategy policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Colchester Town and is identified in the Site Allocation Plan as predominately residential use. Given this, the proposal is considered to be acceptable in principle.

### Heritage and Design

- 16.2 Core Strategy policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.
- 16.3 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.
- 16.4 Core Strategy policy UR2 seeks to enhance Colchester’s unique historic character and protects features which contribute positively to the character of the built environment from demolition or inappropriate development, these features include buildings and Conservation Areas. Development Policy DP14 seeks to protect the Council’s Conservation Areas from inappropriate development. In this instance, the proposal is located within the Conservation Area 2 and No. 25 Creffield Road (directly to the west) is locally listed.
- 16.5 In the exercise of Planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The objectives of Development Policy DP14 are consistent with this test.
- 16.6 Paragraph 184 of the NPPF identifies that heritage assets are irreplaceable resources. Paragraph 193 advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, such



as a Conservation Area, great weight should be given to the asset's conservation.

- 16.7 Paragraph 189 of the National Planning Policy Framework (NPPF) says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their settings. When considering proposals which affect non-designated heritage assets, paragraph 197 of the NPPF requires a balanced judgment having regard to the scale of any harm or loss and the significance of the heritage asset.
- 16.8 The proposed demolition works relate to a bungalow dwelling which does not have any heritage merit. As such the loss of this building does not raise any concerns. The proposed pair of detached dwellings are located within the existing building line of Creffield Road and provide for two off road car parking spaces at the frontage of the site.
- 16.9 It is accepted that the proposed new development will affect (change) the setting of nearby the host dwelling. Whilst the proposed new housing is taller than the existing dwelling, the proposed height of the detached dwellings are not considered to be so great so as to dominate (and therefore significantly detract) from the setting of the Conservation Area or the locally listed building. The proposed design of the scheme is considered to be of high quality, benefitting of the area and would enhance the character and appearance of the area. The traditional design approach is considered to result in a scheme which is of high quality and in keeping with the area. The harm caused is therefore considered to be less than substantial and, as such, the public benefits need to be weighed against the harm caused which is discussed further below.
- 16.10 Objections have been received which raise concerns with the development of the site and the impact this would have upon the area. The spatial setting of buildings is an important characteristic of the area and regard should be given to this. In this instance, the site has the capacity to accommodate two dwellings of this size which is in keeping with the established pattern of development, building line and the urban grain of the area. The use of traditional design that replicates the 19th century architectural vocabulary is considered to enhance the area, subject to conditions in relation to architectural detailing and materials.
- 16.11 While the proposal would be visible from various public viewpoints within the street scene, including the Conservation Area and locally listed building, this would be principally against the backdrop of other residential properties within an urban grain. As a result, the proposal would not be unduly imposing in public views. The proposal would represent an enhancement in the overall appearance of the site, which is currently somewhat degraded.
- 16.12 It is considered the revised proposal would result in a marginal impact upon the locally listed building and Conservation Area, subject to appropriate conditions the proposal represents an improvement to this part of the Conservation Area. On balance, and the public benefits of additional housing in a sustainable location outweighs any harm.

- 16.13 The design and layout of the proposed development is considered to be consistent with relevant adopted and emerging policies and the guidance set out in the NPPF in so far as they promote high quality design and the conservation of heritage assets. Any harm that will be caused by this development will be less than substantial. In this instance, the public benefits (which include the redevelopment of a somewhat degraded part of the Conservation Area and additional housing in a sustainable area) weigh in favour of the scheme. Given this, the proposed development is considered to be consistent with the aforementioned relevant adopted local plan policies and national planning policy guidance in relation to the historic environment.

#### Impact upon Neighbouring Amenity

- 16.14 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.
- 16.15 In terms of the proposed detached dwellings, first floor (and above) side facing windows are limited. The proposed side facing windows serve bathrooms and en-suites and are proposed to be obscure glazed as per the revised plans. Suitable conditions can ensure these remain obscure glazed perpetuity. Given this, these are not considered to create a harmful impact upon amenity. There are first floor rear facing windows which look towards the north (towards the boundary of no.13A Hospital Road). The submitted drawings confirm the rear facing windows to the first and second floors are obscure glazed. There is also an intervening vegetation and boundary treatments which helps to screen the new development. It is noted concerns have been raised in relation to overbearing impact to the neighbouring properties along Creffield Road. In this instance, the tests set out by the Essex Design Guide are not considered to be breached. While there may be some impact upon the side facing windows to No. 21 Creffield Road, it is not considered the impact upon loss of light is materially harmful and could not be sustained at appeal. Further to this, the side facing serving windows serving No. 21 are dual-aspect. No. 25 Creffield Road does not contain side facing windows which could be impacted by the development.
- 16.16 Impacts upon neighbouring amenity in relation to noise and disturbance during construction work can be controlled via a planning condition.

- 16.17 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighbouring properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 and DP12 or the NPPF insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

#### Trees and Landscape

- 16.18 Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline, and this is also echoed within the NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.
- 16.19 There are a number of mature trees within and adjacent to the application site, which make an important contribution to the character of the area. An Arboricultural Impact Assessment (AIA) has been prepared in support of this application. The Council's Tree Officer originally had concerns in relation to the loss of two lime trees (T3 and T4). These trees do contribute to the street scene and Conservation Area. Through negotiation, T3 and T4 are now retained in the scheme and the Tree Officer raises no further comments on the proposal. It is noted that there are concerns in relation to a magnolia tree on site which is proposed to be removed, however the Tree Officer does not raise concerns with the removal of this tree. In total six trees are proposed to be removed (including the magnolia), however these trees are considered to be small internal trees with limited value. As noted above, the Tree Officer does not raise concerns with the removal of these. Due to the retention of T3 and T4, the scheme is considered to be acceptable in this regard.
- 16.20 In terms of landscaping, the scheme provides an additional tree at the front of the site. This is considered to reinforce the existing character of trees and shrubs emerging from, and softening, walled street boundaries. The Council's Landscape Officer has not however raised an objection to the scheme and it is considered the concerns raised can be adequately controlled through the detailed landscape scheme (condition).
- 16.21 In terms of the tree protection and the landscaping proposals, the planning application is considered to accord with CS Policy ENV1 and policies DPD DP1 and DP21 that require development schemes to respect and enhance the landscape and assimilate it into new development.

#### Ecology and Biodiversity

- 16.22 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. DPD Policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats. Policy ENV1 states that the Borough Council will conserve and

enhance Colchester's natural and historic environment. Conserving and enhancing the natural environment is also a core principle of the NPPF.

- 16.23 In this instance, the proposal has been considered in line with Natural England's Standing Advice. The application site is not considered to be a suitable habitat for protected species given the urban location and the site already being composed of hardstanding and built form, and as such is considered to be acceptable in this regard. The application site does sit within a zone of influence of a European designated site and to comply with the Habitats and Species Regulations 2017 (as amended), mitigation of any recreational impact will be required in accordance with the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). This mitigation has been secured via the signed Unilateral Undertaking.
- 16.24 The ecological potential of the site has been carefully considered and the potential for European Protected Species to use the habitats on site assessed. The fauna protected by the Wildlife and Countryside Act 1981 and species listed as of principal importance in Section 41 of the Natural Environment and Rural Communities Act 2006 are material considerations for local planning authorities. Subject to RAMS financial payment (already via a legal agreement), it is considered that the proposed development accords with the relevant statutory provisions, the adopted policy ENV1 and the requirements of the NPPF which seek to minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity.

#### Parking and Highways Safety

- 16.25 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 16.26 Given that proposal will provide for the required visibility splays, the proposed scheme is not considered to have a severe impact on the local highway either in terms of highway safety or capacity and accords with planning policies which seek to improve accessibility and changes in travel behaviour. The Highway Authority does not raise any concerns in relation to the proposal, and as such is considered to be acceptable in terms of highways safety.
- 16.27 CS Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009. Emerging Policy DM22 states that parking should be provided in accordance with the most up to date parking guidance taking into account the following factors:

- i. Levels of local accessibility;
  - ii. Historic and forecast car ownership levels;
  - iii. The size, type, tenure and location of the dwellings; and
  - iv. The appropriate mix of parking types including opportunities for car-sharing (e.g. unallocated, on-street, visitor, car club etc).
- 16.28 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this, provision for visitor parking at a ratio of 0.25 spaces per unit is required. The guidance does however state that in accessible location, such as town centres, a reduction in car parking can be considered.
- 16.29 In this instance, two off road car parking spaces are provided for each dwelling. This complies with the aforementioned vehicle parking SPD. It is acknowledged that the proposed new access point results in the loss of one on-road car parking space. This has been addressed during the consideration of the application and a replacement on-road car parking space has been proposed. This has been accepted by the NEPP. As such, the scheme would not result in the net loss of on-road car parking provision.
- 16.30 In this instance, the proposal is considered to provide adequate on and off road car parking arrangements. Further to this, the site is also located in a sustainable location.

#### Flood risk

- 16.31 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defence measures as well as the use of appropriate sustainable drainage. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare. The application site is outside an identified flood zone and measures 0.10 hectares and as such a FRA is not required to support the application. Given that the proposal is outside of any flood zone, the proposal is not considered to have a harmful impact upon surface water drainage within the locality.

#### Archaeology

- 16.32 The proposed development is located within an area of archaeological interest recorded in the Colchester Historic Environment Record, within the area of a Roman cemetery. There is high potential for locating burials and other archaeological remains at this location. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. The Agent has confirmed agreement with the proposed condition and therefore the

proposal is considered to be acceptable in this regard and thus in compliance with Policy DP14.

#### Private Amenity Space

16.33 DPD Policy DP16 sets out standards for private amenity space and public open space as part of new housing developments. With regard to private amenity space, Policy DP16 sets out a range of garden sizes which are as follows for houses:

- One or two bedroom houses – a minimum of 50m<sup>2</sup>
- 3 bedroom houses – a minimum of 60m<sup>2</sup>
- 4 bedroom houses – a minimum of 100m<sup>2</sup>

For flats; a minimum of 25m<sup>2</sup> per flat provided communally.

16.34 The proposed development provides Plots 1 and 2 with amenity space which is considered to be in compliance with the aforementioned policy. As such, the proposal is considered to be acceptable in this regard.

### **17.0 Conclusion**

17.1 To summarise, the revised application will deliver two residential units in a sustainable and accessible location. The development will contribute positively towards the Borough's supply of housing. There would be economic benefits as a result of construction activity. There is sufficient evidence to be confident that overall, the development would not cause significant harm to the amenity of local residents, ecology, flood risk or would not have a severe impact upon the highway network in terms of capacity. Further to this, the scheme is not considered to be harmful to the Conservation Area or locally listed building and represents an opportunity to enhance the application site.

17.2 The NPPF has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials. A core planning principle of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The proposal will serve to preserve and enhance the character and appearance of this part of the Conservation Area. It is considered that the scheme would acceptably fulfil the environmental dimension of sustainable development by preserving and enhancing the identified heritage assets and by promoting new development of a high quality design.

17.3 In conclusion, it is considered that the benefits of the scheme significantly outweigh any adverse impacts and, as such, Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions provided below.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

### **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. ZAX - \*Development to Accord With Approved Plans (qualified)\***

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1186/01A dated 1/4/20, 1186/02C dated 27/07/20 and 1186/03C dated 27/07/20.

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**

Prior to any bricks being laid, a sample panel of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures, face bond and pointing, mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority and the materials and methods demonstrated in the sample panel shall have been approved, in writing, by the Local Planning Authority. The approved sample panel shall then be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

Reason: In order to ensure that the brickwork can be satisfactorily considered on site with regard to preserving the character of the Conservation Area.

### **4. Non Standard Condition – Materials**

No external roofing materials shall be used in the construction of the development hereby permitted until samples and 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.

### **5. Non Standard Condition – Detailing**

Prior to the installation of any of the following elements, additional drawings that show large scale details, by section and elevation, at 1:20 or 1:5 as appropriate for any proposed dormers, eaves, verges, parapet and coping/kneelers, sill and lintel details, windows/screens and associated reveals, all external doors, chimneys and

extract/flue terminals to be used, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the Conservation Area.

#### **6. Z00 – Non standard condition – access**

Prior to the occupation of either dwelling, the proposed vehicular access, parking and turning and pedestrian visibility splays shall be provided in precise accord with the details shown in Drawing numbered 1186/01A. Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

#### **7. Z00 – Non standard condition – unbound materials**

No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

#### **8. Z00 – Non standard condition – access**

The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

#### **9. Z00 – Non standard condition – cycle parking**

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.

#### **10. Z00 – Non standard condition – CMP**

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

#### **11. Z00 – Non standard condition – landscaping**

No works shall take place above ground floor slab level until scheme of hard and soft landscape 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 significant changes in ground levels and also proposed planting, details of any hard surface finishes and external works, implementation of which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme 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 5 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.

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

## **12. Z00 – Non standard condition – Archaeology**

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 Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

## **13. 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.

**14. Z00 – Non standard condition – EV charging point**

Prior to the occupation of either dwelling, the proposed vehicular access, one electric vehicle charging point shall be provided for each dwelling. Reason: To in the interests of low carbon emissions and to encourage the use of ultra-low emission vehicles.

**15. ZMC - Details of Brickwork, Mortar Mix Bond, Joint Profile etc**

Prior to the commencement of the development, full details of all new brickwork, including the bond, mortar mix and joint profile shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and appearance of the building where there is insufficient information within the submitted application.

**16. ZMM - Additional Detail on Windows & Doors etc**

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**17. ZMU - Rooflights**

The rooflights hereby approved shall be of the “conservation” type with a single vertical glazing bar and mounted flush with the roof slope and shall be retained in this form.

Reason: In the interests of preserving the character and appearance of the Conservation Area.

**18. ZMW - \*Rainwater Goods\***

All rainwater goods shall be finished in metal and painted black and shall be retained in this form.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and appearance of the building where there is insufficient information within the submitted application.

**19. Z00 – Trees**

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment And Preliminary Method Statement referenced TPSarb8410418, dated 10th May 2018 rev 07/04/20, and Appendix 1 Tree survey and explanatory notes.

Reason: In the interests of the trees.

## **20. Z00 – Obscure glazing**

Prior to first occupation of the development hereby approved, the windows detailed as obscure glazed on the approved plans and the side facing windows in the first floor and above shall be glazed in obscure glass to a minimum of level four on the Pilkington scale and shall be restricted in opening to no more than 200mm. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To protect residential amenity.

## **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.ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

### **4.INS – Highways**

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](mailto:development.management@essexhighways.org) or by post to:

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

