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Item No: 7.4

Application: 222971

Applicant: Marguerite Haddrell

Agent: Michael Smith, JCN Design & Planning

Proposal: Creation of a three bedroom detached house.

Location: Land Adjacent To, 3 Highfield Drive, Colchester, CO3 3QA

Ward: Lexden & Braiswick

Officer: Nadine Calder

Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it was called in by Councillors Barton and Willets.
- 1.2 Councillor Barton requested the application be referred to the Planning Committee in the event of a recommendation for refusal, the reasons being:
- This site has been controversial so in the interests of openness and fairness, it is appropriate for this application to be referred to the Planning Committee.
 - The new application has taken on board the comments from the Planning Committee and the recently adopted Local Plan does indicate it meets all policy requirements.
- 1.3 Councillor Willets requested the application be referred to the Planning Committee in the event of a recommendation for approval, the reasons being:
- The private drive is narrow and has no sight splay at its junction with A1124 Lexden Road, and no remedial action is proposed as part of this application. The existing access is already a hazard to pedestrians passing-by on Lexden Road, and further development at this unsuitable location will further exacerbate the dangers. This matter is neither addressed by ECC highways policy nor by the City Council Planning Policy. Therefore in making a decision, the Planning Committee needs to take the safety issues pertaining to the access to this development.
 - The proposed site is very small and tightly constrained and the designated parking appears to extend beyond the curtilage of the development site so as to impede the safe flow of traffic to the other houses in what is already a cramped geometry. Again this is not directly covered by CCC Planning Policy and needs determination by the Planning Committee.
 - While each application must be determined solely on its merits, there is a history of refusal of applications and appeals on this site for broadly similar developments, and previous Planning Inspectors conclusions need to be carefully weighed for relevance by the Planning Committee in regard to this application.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of the development upon its surroundings in addition to any issues concerning neighbouring residential amenity, highway safety and impact upon vegetation.
- 2.2 The application is subsequently recommended for refusal. It is considered that the proposed development would lead to the loss of an attractive, open green corner and would thus erode the feature that gives the area its townscape quality to the serious detriment of the character and appearance of the street scene and surroundings. The flank wall of the substantially sized dwelling would be considerably closer to the Drive than the existing dwelling and would result in a cramped form of development that would detract further harm the character of the area.

2.3 The proposal would also result in a private rear garden of limited size in comparison with the more generous plot sizes found in the immediate area, thus detrimentally changing the character of this part of Highfield Drive. The proposal would be discordant with its context and would fail to enhance the attractive and tranquil character of the area.

3.0 Site Description and Context

3.1 The site lies within the settlement limits for Colchester as defined in the Colchester Borough Council Local Plan and currently comprises part of the side and rear garden to No.3 Highfield Drive, which is located off an unmade lane leading from Lexden Road and beyond the Conservation area. The site slopes down to the adjacent lane. The host property is one of a series of three mid 20th century houses on this lane, with a further two properties at the bottom. The lane is relatively well screened with trees, especially along the western side. No trees of any merit are on the site itself although a group of trees subject to preservation orders are found on the other side of the lane.

4.0 Description of the Proposal

4.1 The proposal comprises the construction of a detached three bedroom, pitched roofed house. It would be positioned slightly set back from the frontage of the adjacent No.3 Highfield Drive and would measure 8.88m in width (9.79m including the bay window), 6.4m in width and 8.56m in height. The front elevation of the property is shown to face the Drive to the north of the site.

5.0 Land Use Allocation

5.1 The site lies within the defined settlement limits for Colchester.

6.0 Relevant Planning History

6.1 There is a long planning history associated with this site, as outlined below:

211117	Erection of four bedroom detached house	Refused 09.07.2021
201371	Lawful Development Certificate for Proposed Erection of Garage and Store Building	Refused 30.07.2020
200847	Erection of four bedroom detached house	Withdrawn 17.06.2020
151993	Two storey side extension	Approved Conditional 20.11.2015
146416	Erection of two bedroom detached bungalow (Resubmission of application 145426)	Refused 21.01.2015 Appeal dismissed 24.06.2015
145559	Renewal of planning permission 111460 for a two storey side extension	Withdrawn 27.11.2014

145426	Erection of three bedroom detached house	Refused 09.10.2014 Appeal dismissed 24.06.2015
111460	Two storey side extension	Approved Conditional 15.09.2011
102315	One detached three bedroom house and replacement garages. Resubmission of 101564.	Refused 16.12.2010 Appeal dismissed 04.04.2011
101564	One detached four bedroom house and replacement of existing detached garage.	Refused 21.10.2010

6.2 Inspector's comments for dismissed appeals 145426 and 146416 (emphasis added by your Officers) include:

6. The area includes a number of small cul-de-sacs and although it is within the built up area I consider it has **retained a sylvan character** with a significant number of trees and shrubs. The site is mainly grassed with a fence separating it from No 3 and the garages and along the road edge there is a low timber rail. Although partly fenced and somewhat unkempt at the time of my visit it **nevertheless provides an important feature that contributes to the character of the Drive and area.**

7. The developments proposed are for the erection of a detached two storey, 3 bedroom dwelling or a detached 2 bedroom bungalow. These would be sited within the open area and **would erode the feature that gives the area its quality. They would provide a discordant element that would fail to retain the attractive character by further urbanising the area.**

8. Furthermore, the existing properties on the Drive are set well back from the road frontage and whilst the areas in front of the properties are used for parking there is also a considerable amount of vegetation. The **combination of the set back and verdant appearance contributes to the character of the area.** However, the proposed developments would result in the **flank wall of the dwellings being considerably closer to the Drive. This would provide a cramped form of development that would detract further from and harm the character of the area.** Although the proposals include retention and reinforcement of landscaping on the site I do not consider any scheme of landscaping would reduce the harm caused by a dwelling on the site.

9. The submissions refer to previous proposals to extend No 3 and to erect a new dwelling on the appeal site. Planning permission has previously been granted for a **two storey extension** to No 3 and the proposal was subsequently amended. This consent has not been implemented and has now lapsed. In any event this permission did not authorise a new dwelling and it differs significantly from the current appeal proposals as the extension was subservient to the existing house and, as it was not freestanding, **it would not intrude** to any great degree into the open space.

10. There have also been a number of applications refused for a new dwelling and one appeal for the erection of one detached three bedroom house and replacement garages was dismissed in 2011. Although this decision predates the Framework I consider the Inspector's conclusions regarding the effect of a new dwelling on the site still to be relevant. **I consider the principle of erecting any new dwelling, regardless of its size or design on the appeal site would be likely to harm the character, quality and appearance of the area.**

11. A number of matters have been put forward by the appellant to support the proposals. The site is vacant and untidy and it is suggested the proposals would improve the appearance but such arguments could easily be replicated elsewhere to justify a proposal that is otherwise unacceptable and there are other options open to the Council if the condition of the site deteriorates.

12. My attention has also been drawn to a relatively recent development comprising a new dwelling sited to the rear of No 1 and 2 Highfield Drive. From my visit this development differs in a number of ways from the appeal proposals as the site is considerably larger allowing space around the building to be retained and it is not a prominent corner site. I therefore do not consider the development provides support for the appeal proposals. Reference is also made to a number of other developments within the Borough but I do not have the full details nor do I know the circumstances that led to the developments. **In any event I must determine these appeals on their merits.**

13. I have noted the Council has not raised concerns regarding the external appearance of the dwellings, the effect on living conditions of nearby residents, amenity space provision or that the developments would create a highway hazard. A number of interested parties have raised concerns regarding highway and parking matters but I am satisfied that one additional dwelling would not lead to an increase in additional traffic or congestion that would justify dismissal of the appeals. The design of the proposed dwellings is pleasant and from my visit I am satisfied would not result in a loss of privacy or other impacts that would detract from the living conditions of nearby residents. However, these factors do not outweigh my concerns regarding the effect of the development on the character and appearance of the area.

14. Having considered carefully all the points made **I do not consider the benefits of the proposal outweigh the harm to the character, quality and appearance of the area. I therefore conclude both proposals conflict with CS Policy UR2, DP Policy DP1 and the SPG.**

6.3 Inspector's comments for dismissed appeal 102315 (emphasis added by your Officers) include:

4. As I saw it at my site visit, this part of Colchester has a character which relies heavily on the interaction of the built environment with the significant amount of trees and shrubs. This character is present in Highfield Drive, where trees and bushes provide the backdrop to the dwellings making a substantial contribution to the attractive quality of the area. The site comprises part of a garden and the double garage to number 3 Highfield Drive. At the front of the site, alongside the existing dwelling, there is an area of lawn that is fairly open with a recently erected fence at the boundary. Behind this, to the east, there is a substantial amount of reasonably dense and tall planting. **At present I judge that this plays a full part in defining the attractive character of the cul-de-sac. The appeal proposal would change the character of this part of Highfield Drive, reducing the very quality which makes this an attractive living environment.** I conclude that it would be contrary to Policy UR2, which resists developments which are discordant with their context and fail to enhance the character, quality and function of the area."

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 (the Framework) 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 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

- SG1 Colchester's Spatial Strategy
- SG2 Housing Delivery
- DM12 Housing Standards
- DM15 Design and Amenity
- DM17 Retention of Open Space
- DM19 Private Amenity Space

- DM22 Parking
- DM25 Renewable Energy, Water Waste and Recycling

7.4 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
 Community Facilities
 Open Space, Sport and Recreation
 Managing Archaeology in Development

7.5 5 Year Housing Land Supply

Section 1 of the Colchester Local Plan 2017-2033 was adopted by the Council on the 1 February 2021, with Section 2 being adopted in July 2022. The complete Local Plan carries full statutory weight as the development plan.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

The Tendring Colchester Borders Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition and in accordance with the Framework, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5 year target of 4,830 dwellings (5 x 920 + 5%).

The Council's latest published Housing Land Supply Annual Position Statement (July 2022) demonstrates a housing supply of 5,074 dwellings which equates to 5.25 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied) which was calculated using the Standard Methodology. This relates to the monitoring period covering 2022/2023 through to 2026/27.

8. Five Year Supply Calculation

- 8.1 The table below illustrates the 5-year supply calculation for the district during the period between 2022/2023 through to 2026/2027.

Housing Need OAHN	
Annualised objectively assessed housing need (OAHN)	920
5 year housing requirement (5x920)	4600
5 year housing requirement and 5% buffer	4830
Supply	
Permissioned sites, existing allocations and windfall allowance	5074
Total number of years' worth of housing supply including emerging allocations	
Supply against OAHN with permissioned sites, existing allocations and windfall	5.25

- 8.2 The calculation above demonstrates that the Council has a sufficient supply of deliverable housing to meet the 5-year requirement. A total of 5.25 years is deliverable within this period.

In accordance with paragraph 73 of the Framework, the adoption of the strategic housing policy in Section 1 of the Local Plan the adopted housing requirement is the basis for determining the 5YHLS, rather than the application of the standard methodology.

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply.

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 The Archaeological Advisor does not object to the proposal subject to a condition.
- 8.3 The Contaminated Land Officer requested an appropriate risk assessment for the site needs to be submitted prior to approval given that the proposed residential use of the site would be particularly vulnerable to the presence of contamination.
- 8.4 Environmental Protection raise no objection to the proposal subject to a condition limiting the hours of work and securing EV charging points as well as the inclusion of the Demolition and Construction Advisory Note.
- 8.5 The Highway Authority observes that Highfield Drive is classified as a Private Road and therefore does not object to the proposal.

9.0 Parish Council Response

9.1 This area is non-parished.

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 Seven letters of objection have been received, raising the following concerns:

- Loss of green corner
- Cramped form of development
- Impact on character of the area
- Loss of light
- Overlooking
- Limited garden sizes compared to more generous plots surrounding the site
- Deliberate negligence of the site
- Lane cannot support more vehicles/traffic than it already does
- Access onto Lexden Road is very narrow and constrained
- Inappropriate access for fire service and refuse vehicles
- Long planning history with various refusals over the last 10+ years
- Inspector considered the site unsuitable for a separate dwelling
- Reasons for previous refusals have been consistent, and nothing has changed since the last application

11.0 Parking Provision

11.1 The proposal includes the provision of two dedicated parking spaces for both the donor and the proposed dwelling (four spaces in total).

12.0 Accessibility

12.1 The proposal has the ability to comply with the provisions of the Equalities Act in respect of access for the new dwelling.

13.0 Open Space Provisions

13.1 The application would result in the loss of an area of private open space. However, it would provide policy compliant private amenity space for the two resultant dwellings.

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 current Development Plan for Colchester comprises the North Essex Authorities’ Shared Strategic Section 1 Colchester Borough Local Plan (adopted 2021) and the Colchester Borough Section 2 Local Plan 2017-2033 (adopted 2022). The Development Plan is up-to-date and compliant with the Framework. The Council is also able to demonstrate an up-to-date 5 year housing land supply.

16.2 As such, the presumption (at paragraph 11d of the Framework) is not engaged, and the development should be assessed against the Development Plan, unless material planning considerations indicate otherwise.

16.3 The site lies within the development boundary for Colchester and in a reasonably sustainable location surrounded by established residential development. In accordance with Local Plan SP1 and the Framework (which has a presumption in favour of sustainable development), the proposal should be judged on its planning merits. Regard also needs to be had to the planning history of the site as a material consideration, which includes previous refusals and appeal dismissals together with consideration of the case put forward by the agent.

Impact on Surrounding Area

16.4 From the planning history, as set out in Section 6 of this report, it is obvious that several previous attempts have been made to construct a detached dwelling on this plot of land, all of which were refused by the Local Planning Authority (LPA) and those refusals that were appealed were dismissed by the Planning Inspectorate. These decisions are material planning considerations in the determination of this current proposal.

16.5 The current proposal is for a detached three bedroom property, positioned slightly behind the existing property No. 3. The front door would be provided in the northern elevation and a feature wall is proposed to the garden of the property, slightly set back from the Drive together with new soft landscaping features, presumably to soften the impact on the lane and to provide visual interest along the northern boundary of the site.

- 16.6 This arrangement is slightly different to the most recently refused application (211117) which sought permission for a four bedroom dwelling (albeit of similar dimensions and layout) which had a front door in the western elevation, a relatively bland northern elevation and a garden enclosure in close proximity to the Drive.
- 16.7 Compared to the previous refusal, the proposal the subject of this application presents a number of minor improvements. These relate to the design of the dwelling, which is of a slightly higher standard than the previous one, and the boundary treatment. A feature wall set back from the Drive, with new soft landscaping features demarcating the boundary would be a visual improvement on the layout as proposed previously.
- 16.8 However, this proposed arrangement with the dwelling fronting the north and providing new landscape features between the Drive and the dwelling/garden enclosure is one that has previously been considered as part of application 146416. The main difference from that scheme to the current one is that the dwelling was proposed to be a chalet bungalow and the garden enclosure was square rather than a feature wall.
- 16.9 The scheme proposed under 145426 appears to be identical to that proposed under 211117 with the exception of the canopy over the front door and the internal layout at first floor with one of the proposals being for a three bed dwelling and the other for a four bed.
- 16.10 All three of these previous proposals were refused by the LPA, with two of them also dismissed at appeal. Given that the current proposal does not make any significant changes or introduces features that have not previously been tested at appeal (the feature wall being the only exception), it is not considered that a different conclusion can be reached when assessing the proposal's impact on the character and appearance of the surrounding area.
- 16.11 Members will be aware that since the latest refusal, Section 2 of the Local Plan has been adopted, however, there has been no significant change in relevant policy compared to the previously adopted policies that would suggest an alternative conclusion should be drawn to that reached previously.

16.12 All of the previous applications were refused on the grounds of the new dwelling's adverse impact upon its surroundings. As set out above, the minor changes to the design of the dwelling (which did not form part of previous refusals) and the introduction of a feature wall are not considered to overcome the more fundamental reasons for refusing planning permission previously, with these relating to the loss of an existing area of open space which positively contributes to the visual amenity of the site. As identified through previous applications, Highfield Drive is a secluded, wooded lane, with a row of three houses sharing a common building line. The corner subject to this application is a green garden feature which enhances the open, airy, character of the area. The proposed development would lead to the loss of this green corner and results in a private rear garden of limited size in comparison to the more generous plot sizes found in the immediate area, thus changing the character of this part of Highfield Drive and eroding the very quality which makes this an attractive living environment. It would be discordant within its context and fail to enhance the attractive and tranquil character of the area.

16.13 The Inspector as part of the joint appeal against the refusals of 145426 and 146416 agreed that the site was an important open green feature and that a dwelling on this site would harm the character, quality and appearance of the area, commenting:

"...nevertheless provides an important feature that contributes to the character of the Drive and area." (paragraph 6)

"...would erode the feature that gives the area its quality. They would provide a discordant element that would fail to retain the attractive character by further urbanising the area." (paragraph 7)

"...combination of the set back and verdant appearance contributes to the character of the area." (paragraph 8)

"...flank wall of the dwellings being considerably closer to the Drive. This would provide a cramped form of development that would detract further from and harm the character of the area." (paragraph 8)

"I consider the principle of erecting any new dwelling, regardless of its size or design on the appeal site would be likely to harm the character, quality and appearance of the area." (paragraph 10)

16.14 These comments remain pertinent to the current proposal and the concerns and serious impact upon the character of the location have not been overcome. In any event, Section 2 Plan Policy DM17, which was adopted after the refusal of the most recent application, adds more weight to the Council's case, in that it states that development of any existing private open space will not be supported if it results in the loss of an area important for its amenity to the character of the area in general. It further states that *"development that would result in the loss of any small incidental areas of open space, not specifically identified on the policies map but which contribute to amenity value and the character of existing residential neighbourhoods (...) will not be permitted"*. The corner has clearly been

identified, by both the LPA and the Planning Inspectorate, as making a positive contribution to the visual amenity of the area and as such, the proposed development would be in direct conflict with the aims of Policy DM17.

- 16.15 The proposal would also continue to result in two private rear gardens of limited size in comparison to the more generous plot sizes found in the immediate area, thus detrimentally changing the character of this part of Highfield Drive, contrary to the aims of Policy DM19.
- 16.16 Regard has been had to the detailed Design and Access Statement submitted by the agent, which includes a Character Appraisal of Lexden Road and its surroundings, however, each site is different and needs to be judged on its planning merits. It is not considered that other examples warrant changing the unfavourable recommendation, a fact acknowledged by the Inspector on the previous case when some examples were submitted.
- 16.17 Furthermore, the approved two storey side extension (151993) eats into far less of the site than the proposed dwelling. The fact that there had been a previously approved extension prior to the appeal decision had also been taken into consideration by the Inspector.
- 16.18 Accordingly, overall, it is considered that the proposal should be refused on the same grounds as previously as it remains contrary to Local Plan Policies SP1 and DM15, and the Backland and Infill SPD, for the same reasons. It also conflicts with the Framework, in particular Section 12 which provides that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”* (paragraph 126).
- 16.19 As before, and outlined by the Inspector, it is not considered that *“the benefits of the proposal outweigh the harm to the character, quality and appearance of the area.”*

Impact upon neighbouring residential amenity:

- 16.20 Owing to the location and orientation of the property and distance from neighbours, it is considered the proposed development would not appear 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.
- 16.21 Similarly, there are no concerns regarding loss of light. 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.
- 16.22 Additionally, 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 rear first floor windows would look down the rear garden. The property would be far enough from the dwellings opposite to avoid any significant overlooking.

Highway Matters

- 16.23 The Highways Authority has raised no objections and state that this is a private road. Overall, there would be space to provide adequate parking. The existing garaging is unlikely to be policy compliant in terms of size, but it exists and there is the space to provide additional policy compliant space. Visibility is good in one direction and as exists in the other. Consultation responses have raised a number of concerns about the width of the lane, current congestion and highway safety issues. However, it is not considered these concerns can form part of the refusal particularly as the Highways Authority have not objected and the introduction of one dwelling would not substantially intensify vehicular traffic. The residual cumulative impacts on the road network would not be severe as referred to in paragraph 111 of the Framework. Overall, it is not considered there is a justification to refuse the application on highway safety or parking provision grounds.

Other Matters

- 16.24 The proposed development is situated within the area of archaeological interest that has been defined in the Colchester Historic Environment Record, is within the area of a Roman cemetery. A Roman inhumation burial is recorded less than 75m to the southwest of this property (Colchester HER no. MCC2504). Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist. There however are no grounds to consider refusing planning permission in order to achieve preservation in situ of any important heritage assets subject to any permission granted being the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 16.25 It is not considered there is a justification for refusal on site specific wildlife grounds. This is relatively small parcel of land with no particular wildlife value. It is not particularly overgrown, there are no ponds nearby or outbuildings that could harbour bats.
- 16.26 A Unilateral Undertaking (UU) is in the process of being signed which would secure contributions towards access improvements to Highfields allotments (£6,560.79) and the improvements of St Leonards Church Community Hall (£2,872.83). Should the UU not have been completed by the date of the Planning Committee, it is suggested that Members delegate powers to Officers following the Committee to issue a decision on the application once the UU has been completed (subject to this being completed within a reasonable timeframe).

- 16.27 The UU would also include the RAMS wildlife mitigation payment which is required by all new residential developments to mitigate against recreational disturbance to designated coastal wildlife sites.
- 16.28 There are no trees of significance on the site, and it is unlikely that there would be such a significant impact upon vegetation nearby to warrant a refusal on tree impact grounds. The nearby trees covered by a Tree Protection Order are expected to remain unaffected by the proposal.
- 16.29 The Contaminated Land Officer asked that an appropriate risk assessment for the site be submitted prior to approval, given that the proposed residential use of the site would be particularly vulnerable to the presence of contamination. It would appear that the Contaminated Land Officer was not consulted/did not provide any comments on the previous applications. Given that this request was not made previously, it is not considered reasonable to ask for this assessment upfront. In the event of an approval, the submission of an appropriate risk assessment prior to commencement of any works would need to be secured via condition.

17.0 Planning Balance and Conclusion

- 17.1 In conclusion, having considered the current proposal on its merits and having regard to the provisions of the recently adopted local plan, your Officers remain of the view that the proposed development would lead to the loss of this attractive, open green corner to the serious detriment of the character and appearance of the street scene and surroundings. The flank wall of the substantially sized dwelling would be considerably closer to the Drive than the existing dwelling and would result in a cramped form of development that would detract further from and harm the character of the area. The proposal would also result in a private rear garden of limited size by comparison to the more generous plot sizes found in the immediate area, thus detrimentally changing the character of this part of Highfield Drive. The proposal would thus be discordant with its context and would fail to enhance the attractive and tranquil character of the area. Applications for a dwelling on the site have previously been dismissed on appeal, the latest in 2015. The Inspector having concluded that the undeveloped site was an *“important feature that contributes to the character of the Drive and area.”*
- 17.2 In the interest of consistency, having regard to the very minor changes that were made to this current proposal, and taking into account the support that arises from Section 2 Plan Policy DM17 with regards to the loss of private open space that contributes positively to the amenity of the area, it is considered that planning permission for the proposed development should be refused.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

REFUSAL of planning permission for the reasons set out below:

1. Highfield Drive is a secluded, wooded lane, with a row of three houses sharing a common building line. The corner site the subject of the application for a two storey dwelling is an important open, green, garden feature which enhances the open, airy, character of the Drive and area. The combination of the set back of the existing dwelling and verdant appearance of the site contributes significantly to the character of the area. The proposed development would lead to the loss of this green corner and would thus erode the feature that gives the area its quality to the serious detriment of the character and appearance of the street scene and surroundings. The flank wall of the substantially sized dwelling would be considerably closer to the Drive than the existing dwelling and would result in a cramped form of development that would detract further from and harm the character, quality and appearance of the area. The proposal would also result in a private rear garden of limited size by comparison to the more generous plot sizes found in the immediate area, thus changing the character of this part of Highfield Drive and reducing the very quality which makes this an attractive living environment. It would be discordant with its context and fail to enhance the attractive and tranquil character of the area.

The proposal would therefore be contrary to the following policies of the Colchester Borough Council Local Plan Sections 1 (adopted February 2021) and Section 2 (adopted July 2022):

- (i) Policy SP7 which provides that all new development should must meet high standards of urban and architectural design and should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- (ii) Policy DM15 which provides that all new development must be designed to a high standard, positively respond to its context and achieve good standards of amenity. Development proposals must also demonstrate that they respect and, wherever possible, enhance the character of the site, its context and surroundings in terms of its layout, architectural approach, height, scale, form, massing, density, proportions, materials, townscape and/or landscape qualities, and detailed design features.
- (iii) Policy DM17 states that development of any existing or proposed public or private open space will not be supported unless it can be demonstrated that (amongst other matters) the proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general. The policy also provides that development that would result in the loss of any small incidental areas of open space, not specifically

identified on the policies map but which contribute to amenity value and the character of existing residential neighbourhoods will not be permitted.

- (iv) The proposal would also conflict with the Council's adopted "Backland & Infill Development" SPD, which requires a high standard of design and an appropriate architectural approach as well as for the development to relate well to the surrounding context and enhance in the character of an area.