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Item No: 7.4

Application: 190423

Applicant: S Cullis

Agent: Mr Andy Cameron

Proposal: Two new dwellings with associated parking and amenity following demolition of existing dwelling.

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

Ward: Lexden and Braiswick

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Barber who states: “The grounds of the call in are the planning reasons set out in the comments made to the portal by West Bergholt Parish Council.”

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale, form and layout of the semi-detached dwellings, impact upon the character of the street scene and the impact upon neighbouring residential amenity and highway safety.
- 2.2 The scheme has been revised to improve the design of the dwelling and to address highway concerns. The application is subsequently recommended for approval. It is considered that the revised design, scale, form and layout of the dwellings would be in keeping with the character of the street scene and surroundings and would not represent an overdevelopment of the site. It is not considered there would be any significant impact upon neighbouring residential amenity owing to the positioning and scale of the dwelling and proximity to neighbouring property. The revised scheme has now overcome the original objections from the Highway Authority and would not be detrimental to highway safety. There would be adequate parking provision for each dwelling on site and adequate private amenity space provision in accordance with Local Plan Policy.

3.0 Site Description and Context

- 3.1 The site lies within the settlement limits of West Bergholt and contains a twin gabled, modestly sized single storey dwelling with a flat roofed rear extension. Vehicular access is taken off Spring Lane which runs alongside the dwelling and serves other dwellings. Two parking spaces are currently provided on site off Spring Lane.

4.0 Description of the Proposal

- 4.1 The proposal is for the demolition of the existing single storey dwelling and its replacement by a pair of semi-detached 1 ½ storey dwellings. Two additional parking spaces would be provided on site to make 4 in total. Rear garden spaces would be 70 m² and 72 m² respectively.
- 4.2 The scheme has been amended from its initial submission by reducing the gable width down from 7.9 m to 6.00 m in order to give a more traditional gable width and having a pair of pitched roof rear gables to make up for the lost floorspace. The front dormer windows have been reduced slightly in size and the hips on the ends of the roof omitted.
- 4.3 The revised plan has also removed the proposed 4 spaces that were to be at the front of the site and repositioned them to the rear. The existing frontage hedge would thus be retained.

5.0 Land Use Allocation

- 5.1 Settlement limits.
Residential curtilage

6.0 Relevant Planning History

- 6.1 None recent of relevance.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP11 Flat Conversions
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

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

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

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

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

- 7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Sustainable Construction
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
West Bergholt Parish Plan & West Bergholt Village Design Statement

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Highways Authority stated (on the original submission):

The proposal will lead to confusing signalling, slowing and turning vehicular movements in the immediacy of the junction of Chapel Road with Spring Lane where no vehicular accesses currently exist, contrary to the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

On the revised scheme the Highway Authority state:

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

1. 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 this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: The Highway Authority observes that vehicular access is proposed from Spring Lane which is classified as a Private Road; the applicant should be requested to demonstrate the rights of vehicular access exist and are maintained in perpetuity.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

development.management@essexhighways.org or by post to:

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

- 8.3 In-house Archaeologist states: No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

- 9.1 The Parish Council stated on the original submission:

“The Parish Council are disappointed with the proposed redevelopment of the site, which is uninspiring. The proposals are clearly over development in a village location, the chalet style houses will be overpowering to the bungalow at 89A Chapel Road and will have a dominating effect to the junction of Spring Lane and Chapel Road. The current proposals are out of keeping with the existing street scene. Parking for four cars will affect the special nature of Spring Lane will be detrimental to the village townscape and will be out of keeping with surrounding built form. The proposals are contrary to the Village Design Statement (adopted as planning guidance by CBC) Policies DG2, DG3, DG4, DG5, DG7, DG8, DG10, DG11, DG35 and DG37. The proposal is contrary to the emerging West Bergholt Neighbourhood Plan. The Parish Council are of the view that a one for one replacement would be more appropriate and the preferred option.

DG2 Where it is a planning issue any remaining hedgerows, native trees and small copses should be retained in the new landscape plans

DG3 General Design all proposed new build and extensions must enhance the area and make a positive architectural contribution

DG4 Back land and infill proposals will be resisted except in exceptional cases, nuisance of adjacent dwellings will be considered

DG5 Garden sizes may need to be substantially larger than these minimum standards in order that garden sizes reflect the size and shape of gardens in the area

DG7 Buildings must be in harmony with the surroundings in respect of materials, colour, texture, proportion and scale.

DG8 Planning applications must show contextually the impact of their proposals on adjacent building by means of adequately detailed plans with accurate street elevations

DG10 Any infill development should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the

street by reflecting the scale, mass, height, form, materials, fenestration and architectural details of its neighbours.

DG11 The width of new building plots should be similar to that prevailing in the immediate area

DG35 New parking directly in front of property should be avoided

DG37 General street-scape Guidance

Village Design Statement

The Parish Council produced a Village Design Statement (VDS) in 2011 and this was adopted as Supplementary Planning Guidance by Colchester Borough Council subsequently. The VDS provides a detailed description of the existing character and main features of design in the village of West Bergholt and a guideline for how this should be respected in any new development. The VDS was a product of consultation with the community and a derivative document of the successful Parish Plan. The VDS describes how the residents of West Bergholt would like new development including new buildings, change of use, alterations or improvements to buildings or the landscape to contribute to the unique character of the village. The VDS contains 37 policies and the most important strategic ones have been incorporated within the general Housing Planning Policies at the end of this section."

9.2 Following submission of the revised plans, the Parish Council have made the following additional comments:

"The Parish Council still considers this application as overdevelopment. The parking remains an issue and the Parish Council has been made aware that the previous owners of this property did not possess or park vehicles to the rear of the premises. Spring Lane is a private road and it is not at all clear whether there are private access rights for this property to all parking as shown on the planning application. This point should be checked before any granting of planning permission. There has been no improvement on the overpowering nature of the proposal on 89A Chapel Road. The Parish Council would therefore like to reiterate their previous comments:

The Parish Council are disappointed with the proposed redevelopment of the site, which is uninspiring. The proposals are clearly over development in a village location, the chalet style houses will be overpowering to the bungalow at 89A Chapel Road and will have a dominating effect to the junction of Spring Lane and Chapel Road. The current proposals are out of keeping with the existing street scene. Parking for four cars will affect the special nature of Spring Lane, will be detrimental to the village townscape and will be out of keeping with surrounding built form. The proposals are contrary to the Village Design Statement (adopted as planning guidance by CBC) Policies DG2, DG3, DG4, DG5, DG7, DG8, DG10, DG11, DG35 and DG37. The proposal is contrary to the emerging West Bergholt Neighbourhood Plan. The Parish Council are of the view that a one for one replacement would be more appropriate and the preferred option."

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 11 letters of objection have been received which make the following comments:

- Highway safety concerns. Sharp bend. School children near.
- Spring Lane is narrow and private.
- Spring Lane would need to be reinstated after development.
- High fence will increase perception of narrowness
- Overdevelopment
- Not aesthetically pleasing
- Parking close to kitchen window
- Should only be one dwelling.
- A single bungalow would maintain privacy. Village needs bungalows and they are in demand by the elderly.
- Existing bungalow may contain asbestos
- Right to light taken away. Silver birch will also take away light and roots close to property.
- Where will visitors park?
- Oppose building forward of plot.
- The postal address for the site is 89 Chapel Road not Spring Lane so access should not be from Spring Lane. The driveway onto the plot has never been used in the 41 years we have lived in Spring Lane so to put 4 parking spaces exiting onto a private lane is unreasonable. Inevitably also visitors will park in Spring Lane.
- Spring Lane (as its name suggests) can in wet weather have a lot of water coming down it and with the addition of more hard standings for cars will mean even more water.
- Don't understand why the Agent is so intent on copying the style of other nearby properties. Diversity would be much better.
- We question the legal right for the Agent to propose access onto a lane which is privately owned and maintained by residents of existing properties. The Agent continually states that "parking as agreed by Highways". Do Highways have the right to agree access onto a private lane that they recently stated in another planning application they have no interest in.
- Pulling further forward will overshadow us.

11.0 Parking Provision

11.1 4 car parking spaces

12.0 Accessibility

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

13.0 Open Space Provisions

13.1 Not applicable.

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

Principle of Development

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

Design, Form, layout and Impact in the street scene

16.2 It is considered that the revised design and layout of the proposal is now acceptable and in keeping with the character of the street scene and surroundings. The dwelling has had the gable reduced to 6m, which gives it a more traditional appearance, including a steeper pitched roof. The dormers have also been reduced in size and the hipped ends omitted. The revised design represents a dwelling of traditional proportions, scale and form, which, whilst larger than the existing single storey dwelling it replaces would be in keeping with its surroundings, in accordance with Policy DP1 which provides that development must respect the character of the site, its context and surroundings. As new dwelling would not be out of keeping with the surrounding built form it is thus not considered the proposal would contravene the provisions of the Village Design Statement to any significant degree. The single storey dwelling to be removed does not have any significant historic merit that would warrant its retention and the rear flat roofed extension also is not particularly visually attractive.

16.3 The frontage hedge is now shown to be retained rather than removed and replaced by car parking. This will retain this attractive feature and preserve the character of the street scene in this respect too.

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

Impact upon neighbouring residential amenity

16.5 It is considered that the proposed dwelling is in such a location to avoid appearing overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.

16.6 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.

16.7 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 windows would face towards the rear garden of the application site rather than directly facing the neighbouring dwelling and garden area. The side facing landing windows can be obscure glazed to a height of 1.7 m above floor level in order to avoid overlooking from these windows.

16.8 It is not considered that there would be a significant impact upon neighbouring amenity from noise and disturbance from the manoeuvring of cars that would use the 4 car parking spaces on site. Whilst these spaces are close to the neighbouring boundaries there is already provision for two car parking spaces in this location anyway. The additional spaces and additional associated movements are not considered to represent an intensity of use that could justify a refusal in this respect.

Highway Safety and Parking

16.9 The revision to the scheme involving locating the parking spaces to the rear of the property rather than at the front of the site have overcome the highway authority objections to the scheme. This revised layout avoids having to reverse onto Chapel Road close to a junction and is therefore not considered the scheme would be detrimental to highway safety. There is now ample space for vehicles to reverse into Spring Lane and to then enter Chapel Road in forward gear. The parking spaces are also of sufficient size to meet the highway standards of 5.5m by 2.9 m each, in accordance with Policy DP19 and the adopted car parking standards. The highway arrangements are now considered to be safe which accords with Policy DP1 which provides that development must create a safe environment.

- 16.10 The fact that permission may be granted by the Local Planning Authority for the use of Spring Lane for potentially additional cars does not overrule any private property rights or covenants in respect of the use of this lane.

Private Amenity Space Provision

- 16.11 The proposal shows the provision of approximately 70m² of private amenity space for each dwelling. This accords with the provisions of Policy DP16 which states that for two-bedroom houses such as these properties, a minimum of 50m² of private amenity space should be provided.

Other Matters

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

17.0 Conclusion

- 17.1 To summarise, it is considered that that the revised design, scale, form and layout of the dwellings would be in keeping with the character of the street scene and surroundings and would not represent an overdevelopment of the site. It is not considered there would be any significant impact upon neighbouring residential amenity owing to the positioning and scale of the dwelling and proximity to neighbouring property. The revised scheme has now overcome the original objections from the Highway Authority and would not be detrimental to highway safety. There would be adequate parking provision for each dwelling on site and adequate private amenity space provision in accordance with Local Plan Policy.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following 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. ZAM – Development in Accordance with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: P01e & P03b received 9/5/19, P02 received 21/2/19.

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

3. ZBC – Materials To Be Agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4. Non Standard Condition – Parking Provision

All off street car parking shall be provided as shown on drawing P01E prior to occupation of the new dwellings and in precise accord with the details contained within the current Parking Standards and shall be maintained free from obstruction and retained thereafter.

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

5. Non Standard Condition - Construction Management Plan

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

6. ZFQ- Tree and Natural Feature Protection

No works shall take place until the front and side boundary hedging has been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features on the site.

7. ZDF- Removal of PD Obscure Glazing

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the 1st floor landing windows in the side elevations shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity (1.7 m above floor level) before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

8. ZDC - Removal of PD for All Residential Extensions & Outbuildings

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

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

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 or by using the application form entitled 'Application

for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. Non Standard Highway Informative

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

4. Non-Standard Informative

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