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**Item No:** 7.1

**Application:** 213018

**Applicant:** Mr Robert Tebby

**Agent:** Mr David Webb

**Proposal:** Construction of a detached double garage to serve an approved single storey dwelling together with storage area for recycled material and waste (Household)

**Location:** 133 Straight Road, Colchester, CO3 9DE

**Ward:** Prettygate

**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 Buston who has concerns that the proposal “contravenes policies DP1 Design and Amenity, DP12 Dwelling Standards and DP19 Parking standards (incl Design and Good practice). The main house is set back from public view, so the difference in materials to those already in existence in the area can be overlooked. However, extending this to an area in public view means it's design and materials do not relate to the existing surrounding context of development. “

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the layout and design, and impact upon neighbouring residential amenity, highway safety and vegetation.
- 2.2 The application is subsequently recommended for approval. To summarise, the proposed garage is considered to be of an appropriate design (including materials), scale and form to relate satisfactorily to its context and would not undermine the character of the street scene. There are no objections on the grounds of highway safety and the Highway Authority have not objected to the scheme. It is considered there would be adequate parking provision and manoeuvring areas on site to serve the previously approved dwelling. It is not considered there would be any significant impact on neighbouring residential amenity from the garage building itself or in respect of noise and disturbance. No vegetation of significance would be affected.

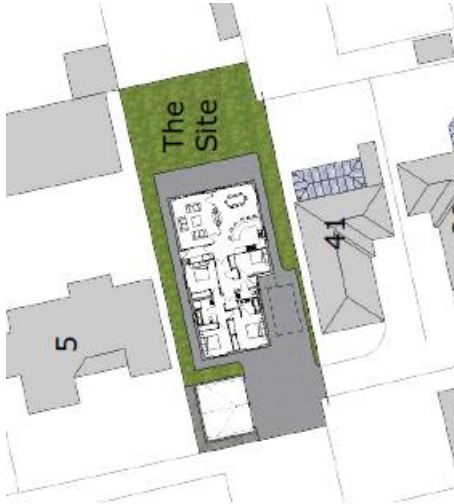
## **3.0 Site Description and Context**

- 3.1 The site lies within the settlement limits and is part of the rear garden of 133 Straight Rd. Permission has previously been granted for a single storey dwelling which has yet to be constructed but the permission remains extant (see planning history below). The site would be served by a private drive known as President Road as per the previous approval. The existing dwelling utilises access from Straight Road. To the North of the site lies a two storey dwelling and to the South there is a single storey dwelling.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the erection of a single storey, flat roofed double garage positioned on the side boundary close to the rear boundary in the position previously shown for two parking spaces. The garage would be finished in boarding and brick to match the material approved on the single storey dwelling.
- 4.2 The agent states that “The size internally is 6.000m x 7.113m. As you are aware a normal parking space is 2.9m x 5.5m. Essex C.C. recommend the normal depth of a garage be 7m in order to accommodate storage. However I have set this storage area (6sq.m) at the side so as to give maximum turning area in front of the garage. The brickwork will match the approved dwelling as will

the boarding to the fascia. The doors will be roller shutter so as to be remote controlled and the roof will have anthracite coloured fibre glass finish.”



Current garage proposal: 213018



Previous approval 202835

## 5.0 Land Use Allocation

5.1 Settlement limits.

## 6.0 Relevant Planning History

6.1 202835 - Single storey dwelling to the rear of existing. Access off President Road between No. 37 and 41 together with access drive and turning facility, parking for 2 cars. Approved July 2021.

6.2 200854 - Detached 4 bedroom bungalow in the garden of 133 Straight road, to be accessed from President Road - resubmission of application no. 192571 – Approved 9/9/20.

6.3 192571 Proposed dwelling – Refused.

## 7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must 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 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

## 7.3 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  
UR2 - Built Design and Character  
ENV1 - Environment

## 7.4 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  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP14 Historic Environment Assets  
DP15 Retention of Open Space and Indoor Sports Facilities  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP19 Parking Standards  
DP21 Nature Conservation and Protected Lanes

## 7.5 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:

N/A

7.6 The Neighbourhood Plan: N/A

7.7 Submission Colchester Borough Local Plan 2017-2033:

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at an advanced stage having undergone examination hearing sessions in April 2021 and recent consultation on modifications. Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to complete 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.

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

7.8 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  
Sustainable Construction  
Managing Archaeology in Development.

## 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 Cllr Buston has called in the application on the following grounds:

“I am requisitioned by residents of adjoining properties to the site to call in the application, as it contravenes :

DP1 Design and Amenity,  
DP12 Dwelling Standards,  
DP19 Parking Standards  
and Parking Standards: Design and Good Practice.

3. The main house is set back from public view, so the difference in materials to those already in existence in the area can be overlooked. However, extending this to an area in public view means it's design and materials do not relate to the existing surrounding context of development.

Additional Notes :

This is now the fourth application for this site in 2 years and each subsequent application increases the size and bulk of the build."

8.3 **The Highway Authority** does not object to the proposals as submitted.

Informative1: 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 – Development Management  
Essex Highways Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
Essex  
CO7 7LT

8.4 **Tree officer** states that the proposal needs to be set against a tree survey and constraints plan and consultation criteria to be applied. Final comments on submitted AIA are awaited.

8.5 **Environmental Protection** state:

Should permission be granted for development, Environmental Protection recommends inclusion of the following advisory note: -

NOTE: Demolition and Construction

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.

8.6 **Archaeologist states:** The proposed development is in an area of high archaeological interest, being in close proximity to the below ground remains of the Shrub End Dyke, part of the defensive system of Late Iron Age Colchester. Notably the remains of a Roman road were found by the owner in the rear garden of no. 149 Straight Road in 1977. Groundworks on the proposed development site have the potential to impact on archaeological remains of significance, particularly of Roman and/or medieval date.

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 205), 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 following archaeological condition (**Z00**) is recommended:

No works shall take place until the implementation of a programme of archaeological work has been secured....”

## **9.0 Parish Council Response**

### **9.1 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 One comment states:**

- Will the completion of this structure mean that household waste for 133 Straight Road would now be collected via President Road?
- Are there any stipulations in place regarding what happens after the construction is built? - it seems perfectly plausible that the owner may aim to subsequently adapt the garage and bin store to an additional dwelling in the future with access from President Road.

### **10.3 Two letters of objection have been received, making the following points:**

- garage will create bulk and affect the visual appearance of the area for neighbouring properties, particularly with the closing in of the areas to both sides of the.
- Even with a flat roof, this will have an adverse impact to the privacy and use of the amenity spaces for No's 37 President Road and 5 The Poplars as this sits directly alongside their garden spaces.
- Functional- to reduce depth risks unsuitable for intended purpose
- Should be 7 x 3 not 6 x3 (Essex Design Guide).
- Photos taken of front of our property without our consent.
- Dimensions of our garage are much smaller than those currently in use. With an internal dimension of 5.8m x 4.5m ours is too small to be considered a double garage and is not deep enough to fit either of our 'average' sized cars into. This is recognised in Essex County Council's "Parking Standards: Design and Good Practice" document at 1.2.4.

- Extending different materials this to an area in public view means it's design and materials do not relate to the existing surrounding context of development.
- Addition of a waste storage area to the side of the garage does NOT fully satisfy condition No.8 on the previous Planning Approval. The front of this property still sits further than the 25m 'drag distance' to the public highway (which sits between No's 28 and 37 President Road) and so does NOT satisfy the collection element of this requirement.
- 4th application for this site in 2 years and each time the application increases the size and bulk of the build; when will enough be enough?
- If a garage is required then why not incorporate it into the side of the property.
- To continually ignore these guidelines in relation to minimum dimensions, design, materials and spatial proximity sets a dangerous precedence, which only serves to create a disjointed development that does not 'fit' with existing surroundings and creates an unfriendly, unattractive and unusable (particularly in relation to the smaller than 'minimum' sized garage) area for existing and prospective residents.
- Contravenes DP1 Design and Amenity, DP12 Dwelling Standards, DP19 Parking Standards and Parking Standards: Design and Good Practice.
- For these reasons, this application should be refused.
- Drip feeding applications through.
- Extremely small private road.

## **11.0 Parking Provision**

11.1 At least two spaces.

## **12.0 Accessibility**

12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DP17 (Accessibility and Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

## **13.0 Open Space Provisions**

13.1 N/A

## **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**

### Design, Scale and Form:

- 16.1 It is considered that the design, form and scale of the single storey garage is acceptable in this context. It is set back in the site and would not be particularly prominent in the wider environment although its front elevation would be visible from the private element of President Road. The building is relatively modest in scale, being single storey and would relate satisfactorily to the character of its surroundings. By having a flat roof the building is somewhat contemporary in form and this would relate satisfactorily to the character of the recently approved dwelling and keeps its height down, thereby reducing its prominence and wider presence. The use of brick, cladding and a slate colour roof would match the approved dwelling and would accordingly be visually appropriate for the context of the site.
- 16.2 Accordingly the proposal is considered to comply with Policy DP1 of the Local Plan Development Policies document adopted 2010 (with selected Policies revised July 2014) which provides that all development must be designed to a high standard and respect the character of the site, its context and surroundings including in terms of layout. Emerging Local Plan Policy DM15 has similar provisions, as does SP7, (Place Shaping Principles)

### Impact on Neighbour Amenities:

- 16.3 Regarding the scale and positioning of the garage the proposal is considered acceptable in terms of its impact upon neighbouring residential amenity. Owing to the single storey scale of the proposed garage and its distance from neighbouring properties, 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 the proposal complies with this policy requirement.
- 16.4 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. It is not considered there would be any loss of neighbouring privacy from the use of the garage or any additional noise and disturbance to neighbours. As per the approval for the dwelling, appropriate conditions can be applied to minimise disruption including a construction management plan and hours of working. Environmental Protection have made no objections.
- 16.5 The proposal would thus comply with DP1 which provides that all development should avoid unacceptable impacts upon amenity, including the protection of residential amenity with regard to noise and disturbance and overlooking. Policy DM15 of the Emerging Local Plan has similar provisions.

### Highway Matters:

16.6 The comments received from neighbours in respect of highway matters have been carefully assessed. The Highway Authority have raised no objections and accordingly consider the size of the garage and the retained area for parking and manoeuvring to be acceptable. The fact that the double garage has internal measurements of 6m x 7.113 m is considered acceptable given the agent indicates that the extra width can accommodate requisite storage and allows the maximum turning within the site. In addition there are potentially two parking spaces available outside the proposed garage within the site, including in front of the garage and alongside the dwelling, as shown on the block plan. Accordingly it is considered that there is an appropriate level of parking provision on site to serve the dwelling as the adopted Essex County Council parking standards state that there should be two parking spaces provided for a 4 bedroom dwelling.

16.7 The Essex Design Guide provides that “ The overarching aim is to ensure that in new residential and mixed-use environments, the circulation and movement of people is pleasant, convenient, safe, responds to local context and combines with good place-making. Motorised vehicle movement must efficiently service development without predominating...” It is considered the proposal does not contravene these aims of the Essex Design Guide as agreed when the dwelling itself was approved.

#### Trees and vegetation issues:

16.8 It is not considered there could be any impact of significance upon vegetation. The TPO tree on the site is the other side of the approved dwelling so set well away from the garage. The only vegetation in the vicinity of the garage are the remains of leylandii which are not considered to be of value. In addition, the garage is to be positioned on an area of proposed hardstanding already approved for parking.

#### Wildlife issues:

16.9 As the site is not overgrown and no older or timber framed buildings would be demolished it is not considered that a phase 1 Ecological survey is required as the site is already garden land. Accordingly it is not considered the scheme is contrary to policy DP21 which aims to protect and enhance biodiversity. Policy ENV1 of the Emerging Local Plan has similar provisions.

#### Garden space:

16.10 Adequate amenity space for the new dwelling has been shown to be provided in accordance with Policy DP16 (ELP DM19) and the garage does not alter this previously approved provision.

#### Environmental and Carbon Implications

16.11 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 can contribute to achieving sustainable development. The site is considered to be in a sustainable location and would minimise carbon emissions from trips generated to access services.

#### Other

- 16.12 Finally, in terms of other planning considerations, the proposed development does not raise any concerns. There are no overriding archaeological issues (Policy DP14) – a Programme of Archaeological Work condition has been applied as per the archaeologist's recommendation.

### **17.0 Conclusion**

- 17.1 To summarise, the proposed garage is considered to be of an appropriate design, scale and form to relate satisfactorily to its context and would not undermine the character of the street scene. There are no objections on the grounds of highway safety and the Highway Authority have not objected to the scheme. It is considered there would be adequate parking provision and manoeuvring areas on site to serve the previously approved dwelling. It is not considered there would be any significant impact on neighbouring residential amenity from the garage building itself or in respect of noise and disturbance. No vegetation of significance would be affected.

### **18.0 Recommendation to the Committee**

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

#### **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 to accord with approved drawings**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers RT/LSR/DWSM/01 Rev 'B', 2021/534/06, 2021/534/07 Rec'd 2.11.21

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

## **3. ZBB- Materials As Stated in the Application**

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

## **4. ZPA Construction Method Statement**

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide

details for:

the parking of vehicles of site operatives and visitors;  
hours of deliveries and hours of work;  
loading and unloading of plant and materials;  
storage of plant and materials used in constructing the development;  
the erection and maintenance of security hoarding including decorative  
displays and facilities for public viewing, where appropriate;  
wheel washing facilities;  
measures to control the emission of dust and dirt during construction;  
and  
a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable and in the interest of highway safety. (see informatives).

## **5. ZNL- Full Archaeological Condition**

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 with

Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

#### **6. Non Standard Condition - Construction and Demolition**

No demolition or construction work shall take place 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.

### **19.0 Informatives**

19.1 The following informatives are also recommended:

1. 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. The applicant should assure themselves that vehicular and pedestrian rights of access exist in perpetuity to the site

3. The applicant should note that owing to the nature of President Road, some construction vehicles (especially larger ones) are likely to have difficulty in manoeuvring satisfactorily over the private drive section of President Road. Accordingly the Construction Management Plan should take account of this and provide appropriate mitigating details in this respect. The applicant is advised that any damage to the private drive should be made good after completion of the development and this is a private matter.

4. 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.

5. 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

6. The applicant should note that with regard to the refuse storage/disposal condition there are carry/drag distance provisions for the operatives of the refuse collection vehicle.

#### **7. 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.

#### **8. 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.