



**Application No:** 161976

**Location:** Hunters Rough, 18 Chitts Hill, Colchester, CO3 9ST

**Scale (approx):** 1:1250

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# Committee Report

Agenda item

7



To the meeting of

## Planning Committee

on:

6 October 2016

Report of:

Head of Professional/Commercial Services

Title:

Planning Applications

**7.1 Case Officer: James Ryan**

**Due Date: 27/10/2016**

**MAJOR**

**Site:** Hunters Rough, 18 Chitts Hill, Colchester, CO3 9ST

**Application No:** 161976

**Date Received:** 28 July 2016

**Agent:** Mr Ross Bain

**Applicant:** Chitts Hill LLP

**Development:** Variation of condition 2 (Drawings) on planning permission 131538.  
(Demolition of two residential units and erection of 16 detached dwellings, garages and access road)

**Ward:** Lexden

**Summary of Recommendation:** Conditional Approval

### 1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major with a linking legal agreement and an objection has been received.

### 2.0 Synopsis

- 2.1 The key issues explored below are the proposed minor changes to the scheme approved by Members in February 2015.

### 3.0 Site Description and Context

- 3.1 The application site comprises 1.3ha of garden land, much of it the curtilage of the two properties which were granted consent to be demolished as part of the approved scheme. It is noted that the build is well underway. These were largely open sites having a north and western boundary with gardens of Chitts Hill properties. The southern part of the site has a more wooded character and the entire eastern boundary consists of a hedge-line with trees, beyond which lies open meadowland. There are also a number of mature trees just outside the site at its northern end.

## **4.0 Description of the Proposal**

- 4.1 A minor amendment to the approved plans for application 131538 is proposed to allow the coppicing of a poor quality hedge and the infilling between the gappy sections with new hedge planting.

## **5.0 Land Use Allocation**

- 5.1 The sits within the settlement limits.

## **6.0 Relevant Planning History**

- 6.1 The planning history most relevant to this scheme is the approved scheme 131538. This was for the demolition of two dwellings and the erection of 16 new detached dwellings of three and four bedrooms with garages, at a density of 21 units per hectare. Access was proposed by way of a new cul-de sac-with entrance off the east side of Chitts Hill between existing dwellings. Application 160423 varied the plans condition to allow for a new access to the field beyond the site.

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:  
SD1 - Sustainable Development Locations  
UR2 - Built Design and Character  
TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):  
DP1 Design and Amenity  
DP16 Private Amenity Space for Residential Development  
DP19 Parking Standards
- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:  
N/A

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:  
Backland and Infill  
Vehicle Parking Standards  
The Essex Design Guide  
External Materials in New Developments  
Affordable Housing

## **8.0 Consultations**

- 8.1 Highways Agency – no objection.

- 8.2 In-house Landscape - The landscape content/aspect of the proposals lodged on 02.08.16 would appear broadly satisfactory, however as a minor amendment a dark stain 1.8m high dark stain hit & miss fence, or 1.8m high willow weave hurdles, should be proposed along the now exposed boundary, this in order to screen the development (rear gardens) in the medium term and thereby help protect the exposed and vulnerable rural edge whilst the coppice stools regenerate.

- 8.3 In-house Tree Officer – no objection.

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

## **9.0 Parish Council Response**

- 9.1 Non-parished.

## **10.0 Representations**

- 10.1 One representation was received however this appeared to relate to the original (131538) wider scheme and noted the impact on trees in the site, the impact on ecology and possible loss of privacy to the dwellings on Chitts Hill.

In response: This amendment application only relates to the coppicing of the rather gappy hedge on the eastern boundary. This is the boundary with the open field and not the residential properties that front onto Chitts Hill. It is not held to be materially harmful to protected species.

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

## **11.0 Parking Provision**

- 11.1 This minor change retains the same amount of parking as previously approved.

## **12.0 Open Space Provisions**

- 12.1 This scheme proposes no changes to public open space provisions.

### **13.0 Air Quality**

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

### **14.0 Development Team and Planning Obligations**

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- A linking agreement to the Legal Agreement attached to 131538. It is noted that this has now been produced and signed.

### **15.0 Report**

- 15.1 This scheme proposes a very minor change to the approved drawings to allow the removal of the gappy hedge on the western boundary to allow for a new hedge to be planted.
- 15.2 The in-house Landscape Officer has asked for a fence to be put in place behind the new hedge to prevent views of the gardens and the associated domestic items in wider landscape terms. The applicant has confirmed that they will construct a 1.8m high willow weave hurdle panel fence along the eastern boundary of the site.
- 15.3 The applicant has confirmed that the hedge will be coppiced shortly after approval is received from the Council and therefore it will be well outside of the nesting bird season. The scheme raises no other material ecological issues.

### **16.0 Conclusion**

- 16.1 The scheme is acceptable and therefore an approval is warranted.

### **17.0 Recommendation**

APPROVE subject to the following conditions:

### **18.0 Conditions**

#### **1 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 567/1D, 3, 5, 11 - 35 in addition to all those drawings approved under Planning Permission 131538.

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

## 2 - \*Removal/Variation of Condition(s) Approval

With the exception of Condition 2 of Planning Permission 131538 which is hereby varied, the requirements of all other conditions imposed upon planning permission 131538 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition(s) of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

## 3 - Non-Standard Condition/Reason

Prior to occupation of any of the dwellings on site, the works and planting on plan 567/1D and in the supporting statement from Hayden's dated 27/06/16 shall be completed and a 1.8m willow weave hurdle fence shall be installed on the domestic garden side of the coppiced and replanted hedge. Any new planting that dies within five years shall be replanted.

Reason: To ensure the works as applied for are carried out in a timely manner and to ensure that the willow weave hurdle fence is installed in the interests of the preservation of the landscape.

## 19.0 Informatives

### (1) **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

### (3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

## 20.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.