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## Item No: 7.2

**Application:** 191230  
**Applicant:** Mr & Mrs Dyer  
**Agent:** Mr Adam Jackson  
**Proposal:** Proposed new annexe and cartlodge  
**Location:** Longacre Bungalow, Colchester Road, Wakes Colne, Colchester, CO6 2BY  
**Ward:** Rural North  
**Officer:** David Lewis

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee because a call-in request has been received from Councillor Chillingworth to enable the Committee to consider the proposals. The following comments are made by Councillor Chillingworth;

*'The subject dwelling which is not a bungalow as indicated on the application, but a substantial house on a relatively small plot on a very busy A road. The present application is for a domestic annex and garage, large enough to be used as a separate dwelling resulting in overdevelopment of this village site and this will affect the amenity of neighbouring property. The western wall being very close to their common boundary and in turn the neighbours house and windows.'*

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the design, location and impact of the proposed development, both on the character and amenity of the area in general and that of the adjoining neighbours, having regard to local and national planning policy and other material considerations. The assessment concludes that it is acceptable in planning terms, subject to the conditions as listed at the end of this report.
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application property is located on the south side of Colchester Road and is recently completed following approval in 2011. The plot has a wide frontage of 20m but tapers towards the rear of the site and has an area of 1450 sqm, (0.35 acres). The main road rises when travelling east to west such that the property to the west, Millbank, is set at a higher level, while the property to the south, Highview House, is a little lower. There are two access points serving the property, one shared with Highview House and the other, a more recent addition. The frontage is screened by high hedgerows
- 3.2 Within the settlement boundary, development within the vicinity is mainly residential of differing eras. The adjacent houses date from the 1990's (Highview House), and the inter war period, (Millbank). Housing in the wider area is predominantly 19<sup>th</sup> Century.

## **4.0 Description of the Proposal**

- 4.1 It is proposed to construct a single storey, 1-bedroom annexe that is wheelchair friendly, to enable dependant family members to receive support from the applicants living in the host property. The application also includes a cartlodge for two vehicles, as the garage approved under the earlier approval is in the position of the annexe now proposed.

## **5.0 Land Use Allocation**

### **5.1 Village Settlement Boundary**

## **6.0 Relevant Planning History**

- 6.1 The property recently completed was granted permission under reference 100805, in February 2011

## **7.0 Principal Policies**

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

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

SD1 - Sustainable Development Locations

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

UR2 - Built Design and Character

TA2 - Walking and Cycling

TA3 - Public Transport

TA4 - Roads and Traffic

TA5 - Parking

ENV1 - Environment

ENV2 - Rural Communities

- 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

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access

DP19 Parking Standards

- 7.4 Some "allocated sites" also have specific policies applicable to them. However, there are no adopted Site Allocations (adopted 2010) policies that are applicable to the consideration of this planning application.

7.5 The application site is not within an area currently included within a neighbourhood plan

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

## **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 Highway Authority state the proposal is acceptable from the highway and transportation perspective, but recommend conditions that seek to close off the westernmost access, (reducing unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway); ensure the parking provision is delivered as shown on the plan and; the prior agreement to a Construction Management Plan.

## **9.0 Parish Council Response**

9.1 The Wakes Colne Parish Council have objected and state the following;

*'It was noted that the drawings were inconsistent referring to a cart lodge and then to a garage. Overdevelopment within a small plot, site line of light encroachment onto neighbouring property.'*

## **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 As a result of notification two representations of objection have been received from the occupiers of the properties adjacent on either side. The objections raised can be summarised as follows;

- Overdevelopment of the site on what is considered to be a small plot.
- Increase in traffic movements.
- Potential to set a precedent.
- Loss of a view.

## **11.0 Parking Provision**

11.1 The previous approval for the replacement dwelling included the construction of a single garage, that has not been implemented yet. This proposal intends providing two covered spaces, in addition to having a very large area to the frontage of the site suitable for accommodating several vehicles without entailing reversing movements onto the highway.

## **12.0 Accessibility**

12.1 Not applicable and no issues arising.

## **13.0 Open Space Provisions**

13.1 The rear garden area exceeds considerably the policy requirements concerning private amenity space.

## **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

16.1 The main issues in this case are;

- the principle of development;
- the design and appearance having regard to the character of the area;
- the impact on neighbouring amenity in terms of outlook, light and privacy;
- parking provision.

16.2 The site is within the Village Settlement Boundary of Wakes Colne. Adopted Policy DP13 relates to Dwelling Alterations, Extensions and Replacement Dwellings stating that, 'Within the Borough's settlement boundaries, residential alterations, extensions and replacement buildings will be supported where they meet other policy requirements, including the adopted SPD 'Extending Your House?'. (*n.b. this particular SPD is no longer relevant*).

16.3 The policy is silent in respect of annexes in settlement areas but state the circumstances where they are acceptable outside of the settlement boundaries. In cases such as this a building that is not attached to the main residence or does not demonstrate some dependence on the host would not be supported, but as the site is within a settlement boundary, the fact that the annexe is detached and has limited dependence on the host property, this does not apply. It is of note that the emerging Local Plan has removed some small clusters of properties from the settlement boundary status, where they are not considered to be as sustainable as others. The settlement boundary including the application site is one such example. This does demonstrate a direction of travel of the Local Plan, but as these changes are subject to objections and are yet to be fully examined at Public Inquiry, then they can be afforded only limited weight. The principle of adding an annexe is therefore regarded as being acceptable, although a condition tying the use to the host property is recommended..

16.4 The design of the buildings is intended to be sympathetic to the character of the area and the relationship of the buildings to the host property intended to mimic the arrangement of other properties in the rural scene. The buildings are proposed to be clad in predominantly feather-edged timber cladding and corrugated black mild steel cladding, (for the cartlodge), with plain roof tiles. They are subservient to the host property and are not considered overly prominent given the screening to the frontage of the site and general topography.

16.5 A detailed survey was submitted with the application to identify the varying levels within the site. The design and siting of the buildings has sought to minimise the impact on the neighbouring amenity. The proposed floor levels of the proposed buildings are intended to be between 0.5 and 1m lower than the floor levels of the site to the west, (Millbank). The roof of the annexe has been designed to be as low as possible by reducing the eaves and floor to ceiling heights within the proposed building so far as is physically possible and the roof has a ridge that runs north/south so that the massing is less apparent when viewed from the property to the west. The property Millbank, that is closest to the proposed works, was extended towards the eastern boundary in the late 1990's. The

single storey element of that proposal added a utility room with a flank window that overlooks the site and the position of the proposed annexe. However, given the differing levels and low profile of the building, together with the boundary treatments, this impact is not considered to be significant. The built form is not considered to cause undue loss of light to habitable rooms of the neighbouring property and does not breach the Council's 45° code.

16.6 The cartlodge, an open fronted building to house two vehicles is considered proportionate to the needs of the property and complies with the parking standards of the authority.

16.7 There are no additional trees to be lost as a consequence of this scene, (a maple on the frontage is subject to removal by virtue of the earlier approval), however 3 additional maple trees are proposed to be planted to the frontage of the site to mitigate for the loss. The hedgerow to the frontage is relatively high and further landscape proposals are not warranted above the 3 additional trees.

## **17.0 Conclusion**

17.1 To summarise, it is considered that a conditional planning permission for this development can reasonably be granted. The concerns of the neighbours and the Parish council are fully acknowledged and appreciated, however, the individual and cumulative impacts are deemed to be acceptable and, where appropriate, can be properly mitigated through the use of conditions.

## **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. **Time Limit**

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. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers

0467\_A\_DD\_01; 0467\_A\_DD\_02; 0467\_A\_DD\_03; 0467\_A\_DD\_04A; 0467\_A\_DD\_05; 0467\_A\_DD\_06 and ;0467\_A\_DD\_07.

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

3. **Materials**

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. **Ancillary to host dwelling**

The development hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Longacre.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

5. **Western access to be closed**

The existing western access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, prior to the first occupation of the proposed development.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6. **Car parking and turning**

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 0467\_A\_DD\_04A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development 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.

7. **Construction Management Plan (CMP)**

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority.

The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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



## 19.1 Informatives

19.1 The following informatives are also recommended:

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

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

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

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development.** This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### (3) ZTB - Informative on Any Application With a Site Notice

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

### (4) – 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 e mail at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SM01 – Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester CO4 9QY.