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Item No: 7.4

Application: 180555

Applicant: Mr Butt

Agent: Robert Fry, R & R Planning

Proposal: Proposal for 2 x 3-bed bungalows, on the vacant land at the rear of 40 Berechurch Road.

Location: 40 Berechurch Road, Colchester, CO2 7QB

Ward: Berechurch

Officer: Vincent Pearce

Recommendation: **GRANT PERMISSION** subject to conditions

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because of a valid 'call-in' by Councillor Dave Harris. He has required it be subject to a Committee decision in order that the following concerns be fully and publicly explored:-

1. Overdevelopment
2. Dispute over access road, and permission to use
3. Over looking to existing bungalow on Berechurch Road
4. Extra traffic using Colchester Borough Homes garages site road

1.2 Councillor Harris has indicated that he has no '*Interest*' as defined in the Code of Conduct for Councillors in this application and that he has not called it in on behalf of any person.

2.0 Synopsis

2.1 The key issues (not the fuller list of wider issues that appear specifically in paragraph 15.1 and more generally in sections 11, 12 & 15 of this report) for consideration are:-

- Principle of development
- Impact on the amenity of neighbouring properties
- Design & layout
- Parking

2.2 The application is subsequently recommended for the GRANT of outline planning permission (landscaping is the only reserved matter) subject to conditions as described in section 17 of this report.

3.0 Site Description and Context

3.1 This cleared, flat rectangular site is a pocket of land previously owned by Colchester Borough Council until its recent sale to the applicant. It had been the subject of an unsuccessful adverse possession claim by a third party builder (not the current applicant) that had been developing the adjacent site at no. 40 Berechurch Road.

3.2 The site is accessed by pedestrians and vehicles from Berechurch Road via an existing private access that serves a parking court and affords access (pedestrian and vehicular) to the rear of a number of properties in Berechurch Road and King George Road.

4.0 Description of the Proposal

4.1 An OUTLINE planning application for the construction of 2 x three bedroom bungalows with associated parking. The following are all matters for which approval is being sought:

- a. access
- b. appearance
- c. layout
- d. scale

4.2 Approval for *landscaping* **is not** being sought within this outline application.

5.0 Land Use Allocation

5.1 Residential (Adopted LP & Emerging LP)

6.0 Relevant Planning History

6.1 The site was the subject of a preliminary Planning Enquiry in 2017 which concluded:-

“Subject to being able to comply with the Councils space and parking standards and the design being acceptable from a visual and amenity perspective and subject to a safe access attractive being capable of formation there appears to be reasonable prospect of a residential development comprising a single bungalow or two bungalows being supportable.”

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
- TA5 - Parking

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
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access
DP19 Parking Standards

7.4 The Adopted Site Allocations (adopted October 2010)

SA H1: Housing Allocations. In addition to the above, consideration also needs to be given to the Submission Colchester Borough Local Plan 2017-2033

- SG2 Housing Delivery
- DM9 Housing Density
- DM10 Housing Diversity
- DM 12 Housing Standards
- DM15 Design and Amenity
- DM19 Private Amenity Space
- DM 20 Promoting Sustainable Transport
- DM 22 Parking
- DM23 Flood Risk

Paragraph 216 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.

Officers have considered the weight to be attached to the Submission Colchester Borough Local Plan 2017-2033. As to the first limb, the Local Plan was submitted to the Planning Inspectorate in October 2017. An Inspector has been appointed and the formal examination commenced in January 2018. The Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. As to the second limb, in the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan. As to the third limb, it is considered, at this stage, that the relevant policies in the emerging Local Plan do not appear to contain obvious inconsistencies with the Framework.

Overall, for these reasons, the emerging Local Plan is considered to carry reduced weight.

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

The Essex Design Guide
EPOA Vehicle Parking Standards
Backland and Infill
Cycling Delivery Strategy

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 Essex County Council, Highways and Transportation confirm that the proposal is acceptable on highway grounds to them subject to conditions to secure:-

1. Adequate off street parking in accordance with current parking standards
2. Appropriate bicycle storage
3. Prior approval of a construction method statement
4. Prior to occupation the provision and implementation of residential information packs.

9.0 Parish Council Response

9.1 N/A Unparished

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 An objection has been received from the owner of no. 40 Berechurch Road [bungalow] who purchased the property late in 2017 and is dismayed to find this application has been submitted. The nature of these objections can be summarised as:-

- The submitted plans do not show the extended footprint of no. 40 and therefore misrepresent the relationship between it and the proposed development.

[officer comment]: In undertaking the necessary site visit the case officer was aware that no. 40 had been extended and altered under planning permissions ref: 161836 & 162018 and this fact has informed this report. For members information an extract from the relevant approved drawing (for no 40) are reproduced below:



floor plan

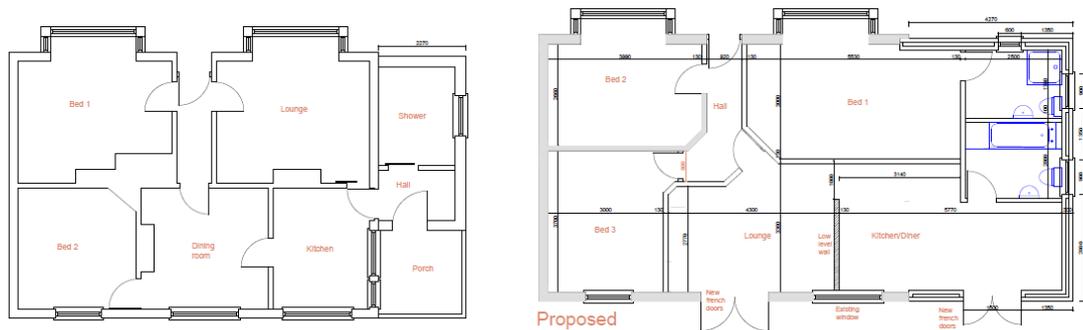


Figure 1: Recent changes to no 40, Berechurch Road

- The main outlook from the living area in no 40 is eastwards towards this proposed development and the new development looks directly towards the living space in no 40. This is “..specifically what I did not want when I bought number 40”

[officer comment]: This aspect of the objection is dealt with in section 15.3.6 d of this report. In purchasing the property the current owner of no. 40 would have been aware of the proximity of that property to the application site and the likelihood that a boundary fence could be constructed (whether within no. 40 or the adjacent site or both). The application site had been cleared and it is unfortunate that the purchaser had not considered the prospect that the site might be developed and that they could not rely on it remaining vacant into the future. The claim that it was purchased on the basis described cannot in itself legitimately be a valid reason for sterilising the application site from appropriate development.

- The development will be noisy and will create considerable noise pollution during the building process. “..I bought my property for its peace and quiet and I like having empty land at the rear as it creates no noise and is a haven for birdlife”..

[officer comment]: It is not reasonable to prevent appropriate development from occurring in an urban setting on the basis of disturbance and nuisance from the construction process. It is however reasonable to control by condition the times within such work can take place to ensure that such activity does not occur during periods that are considered anti-social. This will provide the occupier of no. 40 and other nearby properties with reasonable protection. It is also appropriate to require a construction method statement in advance of commencement. (again by condition)*

*

Requiring submission of further detail to include such things as: machinery to be used, skip positions, delivery and material storage locations, working times, construction worker parking arrangements, site facilities and location, equipment storage, foundation construction types, restrictions on burning on site, site manager contact details, noisy activity controls, dust suppression methods cleaning of mud from access route.

- The proposed two bungalows are being squeezed into the site

[officer comment]: This is dealt with in detail in section 15.4 of this report

- Loss of privacy

[officer comment]: This is dealt with in detail in paragraph 15.3.6 c of this report

11.0 Parking Provision

11.1 The relevant *per dwelling* parking standard requirement here is 2.25 spaces (including visitor parking). [Adopted Essex Parking Standards 2009 & DP 19]. Therefore two bungalows generate an overall parking requirement of 4.5 spaces (round up to 5).

11.2 The applicant, in revising the proposal has actually created 3 parking spaces per unit which affords both properties with a visitor parking space. Clearly the provision of a standard compliant one visitor space (0.5 rounded up to 1 space) could result in disputes between occupiers if they happen to have visitors at the same time or push visitor parking elsewhere. The provision of one visitor space per unit is therefore a welcome solution and adequately deals with the issue rightly raised by Councillor Harris.

11.3 Councillor Harris will be pleased to note that the proposal, as submitted, includes the provision of two freestanding secure cycle parking stores – one in each garden.

11.4 Parking provision therefore satisfies requirements under Adopted Development Policy DP19: 'Vehicle Parking Standards' and the Adopted Essex Parking Standards [2009].

12.0 Open Space Provisions

12.1 This proposal must be assessed against Adopted Development Policy DP16- 'Private Amenity Space and Open Space provision for New Residential Development' which sets out the minimum private amenity space (gardens, patios etc) requirements for new development.

12.2 DP16 requires that 3 bedroom properties are provided with a minimum of 60sq.m private amenity space each.

12.3 In this case the private amenity space that is included generously exceeds this minimum requirement:-

Plot 1: 102sq.m.

Plot 2: 91sq.m.

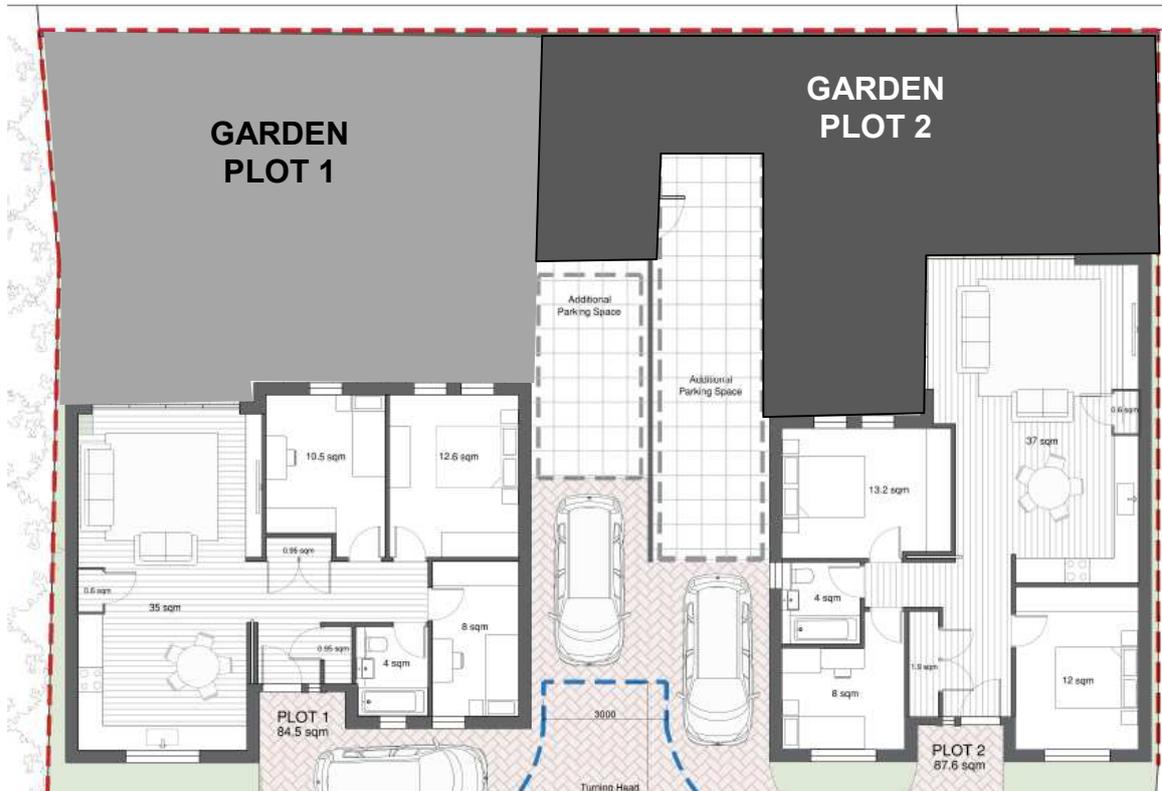


Figure 2: private gardens

13.0 Air Quality

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

14.0 Planning Obligations

14.1 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.

15.0 Report

15.1 The wider range of planning issues in this case are:

- The Principle of Development
- Impacts on Neighbouring Properties
- Design and Layout
- Scale, Height and Massing
- Private Amenity Space Provision
- Parking Provision
- Impact on the Surrounding Area
- Landscape, Trees & Wildlife
- Highway Safety and Parking Provisions (including Cycling)
- Fire safety

15.2 Principle of development

15.2.1 The site which is described as being 508sq.m. in area (0.05ha) is within what is described on the Proposals Map as 'predominantly residential' and on that basis the principle of residential land use is acceptable.

15.3 Impacts on neighbouring properties

15.3.1 It should be noted that the property that appears, on paper, to be most affected by the proposed development is number 40 Berechurch Road.

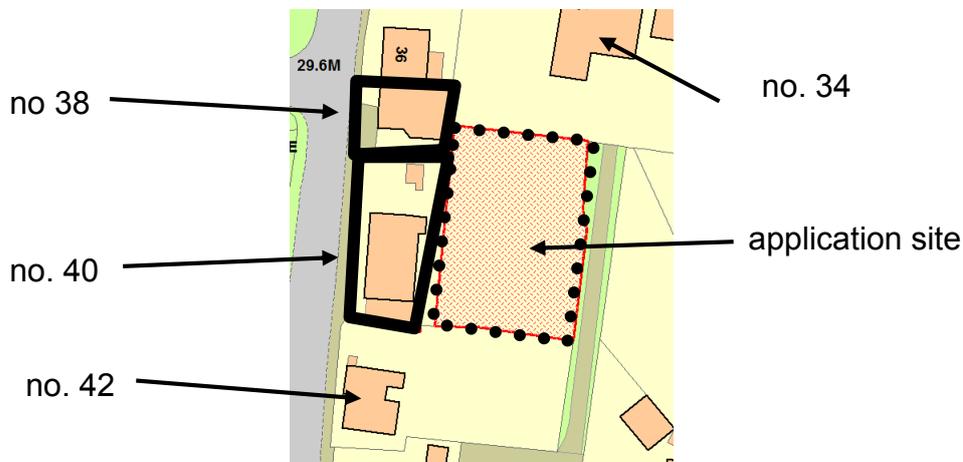


Figure 3: Juxtaposition of application site to Berechurch Road properties

15.3.2 In assessing the merits of the proposed development under the category here regard must be given to DP12: Dwelling Standards in the Adopted Development Policies [2010] & UR2 of the Core Strategy [2008/2010/2014]. These require respectively residential development to be guided by high standards for design and high quality design. DP12 highlights that regard will be given to:-

- Avoiding overshadowing
- Unacceptable loss of daylight
- Unacceptable loss of privacy
- Flexibility of layout

- Vehicle parking
- Bin and recycling storage

15.3.3 Particular regard needs to be given to the fact that the recently refurbished and extended no 40 sits some 1m. below that of the ground level on the application site.

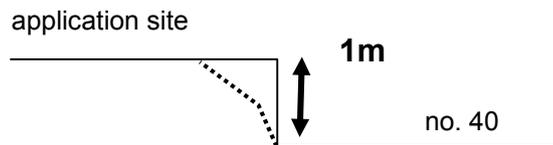


Figure 4: Illustrative diagram showing ground level differences

15.3.4 Members will know that the owner of the application site can erect a 2m high boundary fence along the boundary with no.40 without the need for planning permission (permitted development) which would result in the relationship illustrated below:

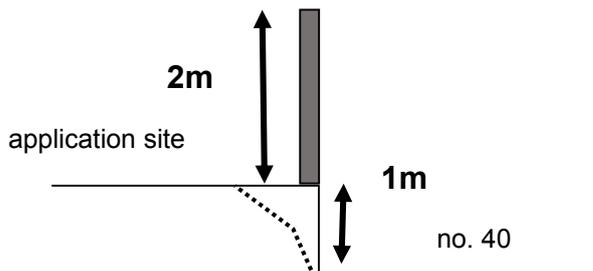


Figure 5: Illustrative diagram showing impact of permitted development boundary fence

15.3.5 This needs to be the necessary starting point for assessing impact.

15.3.6 What amenity issues might be a concern for the occupiers of no 40 as a result of this relationship and are these valid in planning terms?

a. Loss of daylight caused by proximity of the new bungalow?

The diagram below demonstrates that when set against the Essex Design Guide daylighting guidance the proposed bungalow will not result in an unacceptable loss of daylight to rear ground floor windows in no 40. (new patio doors). This is due to its single storey nature (proposed plot1); the shallowness of its roof pitch (22°) and the distance (12.2m) from the adjacent property to the nearest part of plot 1.

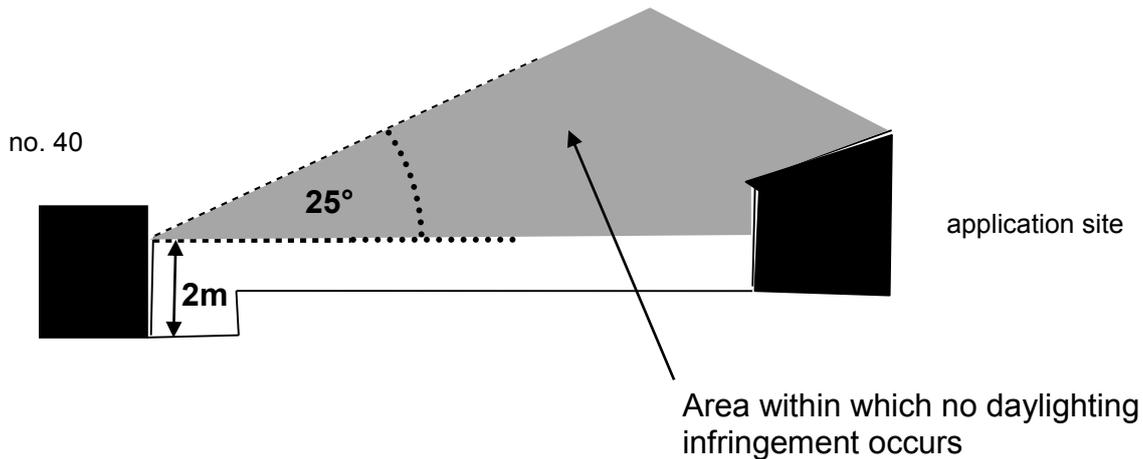


Figure 6: Daylighting relationship between no 40 and plot 1 in the context of Essex Design Guide

b. Loss of sunlight

The same factors also mean that the proposed buildings will not infringe sunlighting levels to no 40 even though the proposed bungalows are to the east of no 40. (the direction from which the Sun rises as it passes in a clockwise arc to set in the west).

c. Overlooking & loss of privacy

Ground level on the adjacent site being 1m higher than that at no 40 could, were it not for the introduction of a boundary fence, afford the opportunity to look down into that property from the application site. The proposed 1.8m high fence and suggested planting will resolve that potential issue. It would however be prudent to require approval (by condition) of plant types along this boundary in order to ensure that a fast growing high hedge is avoided in the interest of safeguarding daylighting to the rear of no 40.

The fact that the proposal comprises bungalows with no first floor or attic accommodation means that no 40 will not be overlooked from windows within the proposed development - thereby securing privacy for the occupiers of no 40.

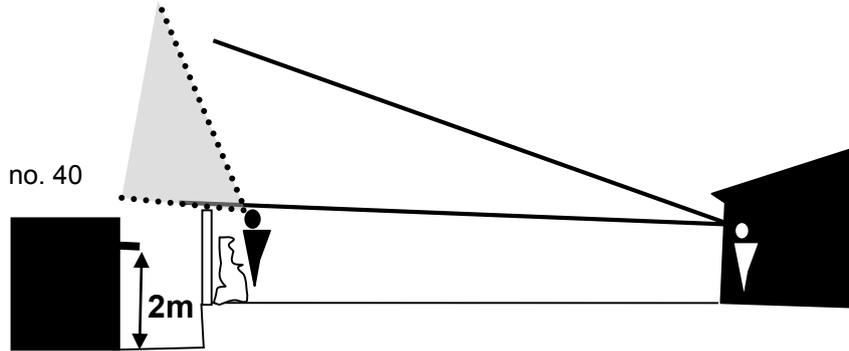


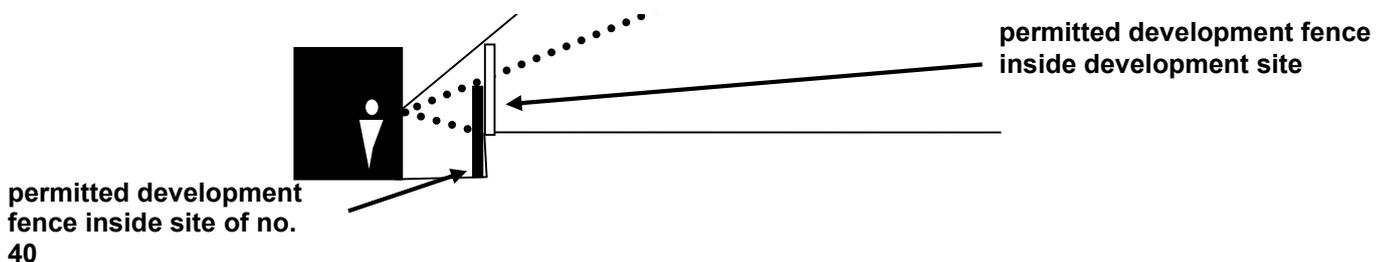
Figure 7: **Overlooking not an issue**

The proposed fence will ensure that there is no overlooking issue for the occupiers of the new development from no. 40.

d. Adverse impact on outlook from no 40

In carrying out the refurbishment of no 40 the then developer would have been aware of the ground level differential between the rear of no 40 and the higher land beyond (now the application site). In proposing the window and room arrangement that now exists they did so in the knowledge that a 2m high fence could be erected along the boundary with the application site as permitted development. It is the boundary fencing and not the proposed development that will provide the backdrop to outlook. Because of the proximity of the rear of no 40 to the boundary with the application site were the occupiers to install their own 2m high fence to provide some privacy for themselves this would be what they see from the ground floor windows at the rear. Currently a new fence exists that reaches a height of approximately equivalent to the mid-height of existing rear windows. The existing gap between the rear wall of no 40 and the boundary with the application site is only just over 2m.

Figure 8: **Illustrative Analysis of impact on outlook**



Whilst the substitution of trellis for timber panelling on the top half of the proposed fence might at first seem like a suitable compromise to allow more light into no 40 and its patio this would not negate the potential for overlooking however accidentally that might happen. If the proposed fence were to be set back from the edge of the common boundary with no 40 this would improve the situation but it

would leave an area of land belonging to the new development behind that fence that would be difficult but not impossible to maintain. This in itself could give rise to disputes. However the arrangement of windows in the rear wall of no 40 would allow for a gap in a set back fence to be created for maintenance access purposes that would not give rise to overlooking. (except when the strip is being maintained). The landscaping of this strip could be designed to be low maintenance. Position of final fencing should be conditioned as part of the reserved landscaping components of this proposal. There are no issues for nos. 38 & 42.

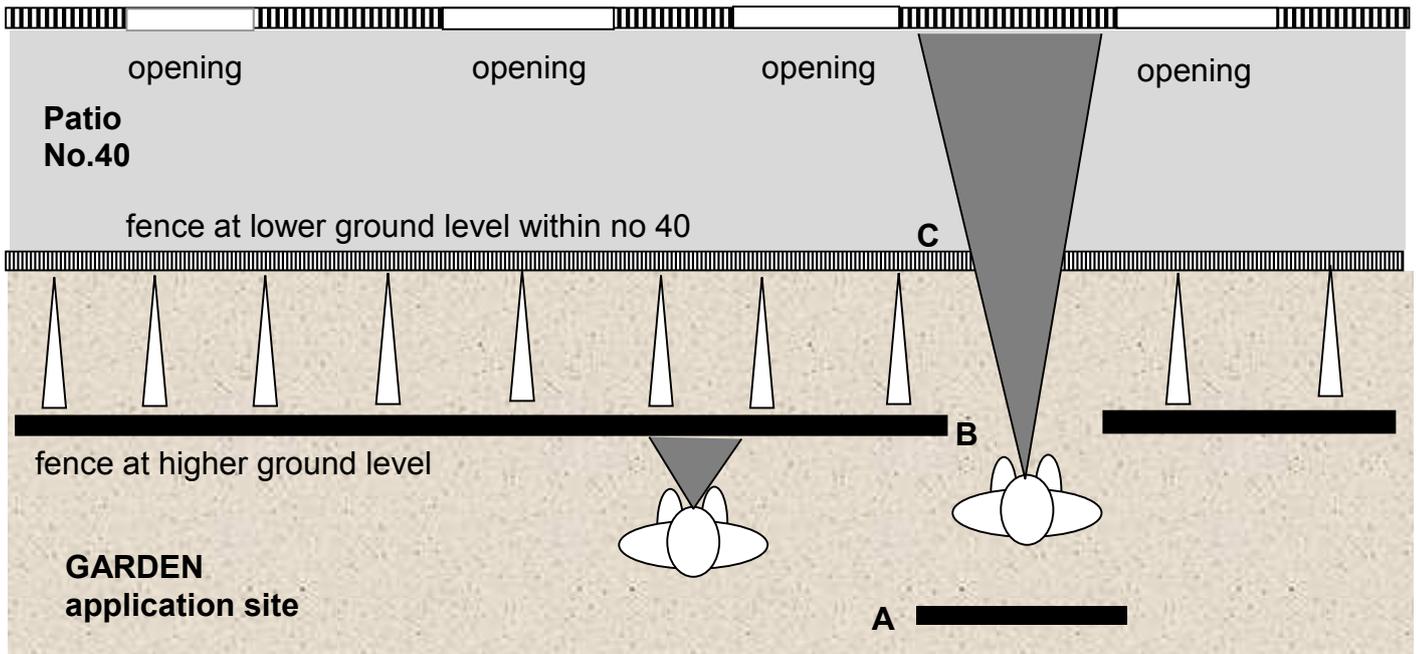
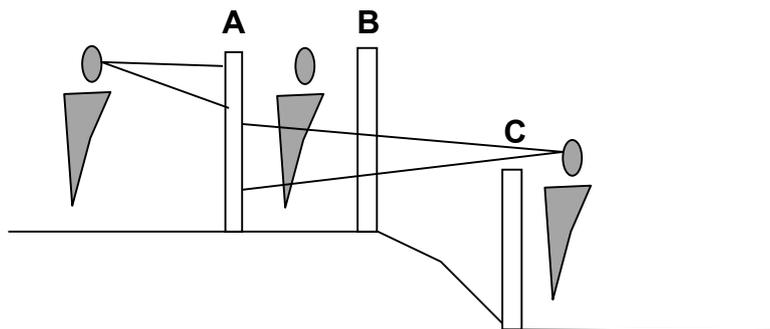


Figure 9: Possible staggered fencing with maintenance gap and screening



e. 'Retaining' land

During the refurbishment works to no 40 it was clear that the current application site was scraped by another party other than the Council as then owner. It is believed that levels may have been adjusted on the boundary.

In carrying out the refurbishment and extension works to no 40 it would be reasonable to assume that the developer undertook such retaining work as was necessary and as were shown on the approved drawing to ensure the physical stability of the land along the boundary. That said it is prudent to require the current applicant to provide (by condition) stability reports prior to commencement and that where required mitigation measures to ensure stability of the land to avoid any risk of the garden slipping into the curtilage of no 40.

15.4 Design, layout, scale, massing, character & density

15.4.1 Within the context of policy DP12 the architect for this scheme has successfully moved away from designing the ubiquitous bland 'box with a deep spanned pitched lid' style bungalow and sought to inject a contemporary twist in the design and layout that lifts it above the mediocre norm.

15.4.2 The bungalow on plot 2 is particularly stylish with its full length recessed slit windows front and back, the fully glazed corner overlooking a patio to the rear, crisp white render and generous and well detailed entrance.

15.4.3 The scale is low key and the massing is broken up by projecting forms and fully hipped roofs. The development cannot be said to have an overly dominant scale or mass relative to adjoining properties.

15.4.4 The development cannot be said to be overdevelopment in that it satisfies the Council's private amenity space standards, meets its off-street parking standard and does not result in harmful impacts to neighbouring amenity. The plot is capable of accommodating the proposed development without causing overdevelopment or a cramped appearance.

15.4.5 In terms of predominant character in this locality there is no particular sense of 'oneness' of style or character.

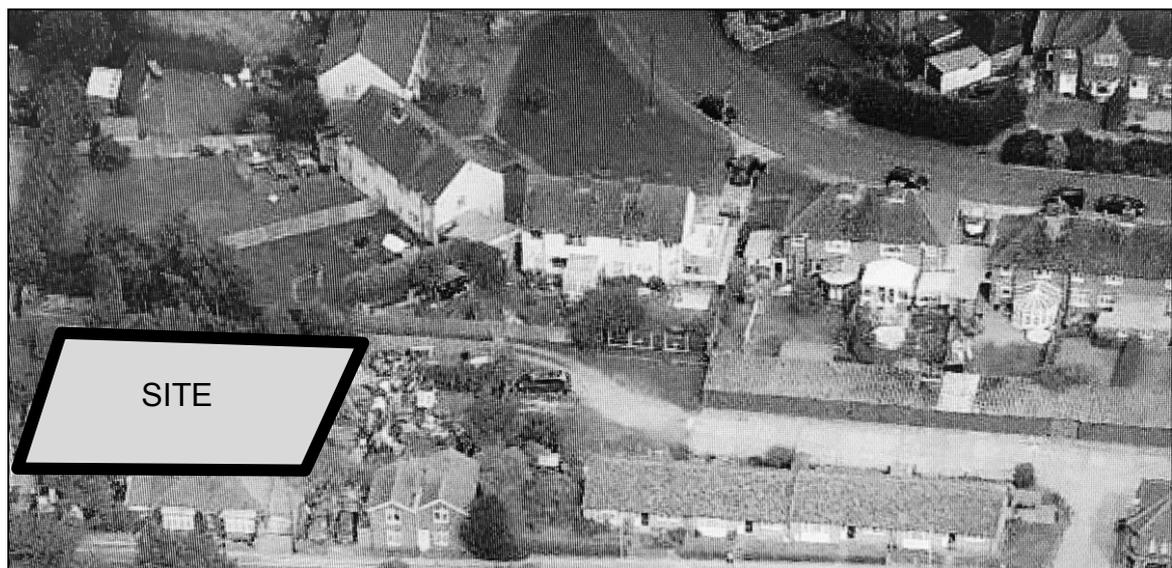


Figure 10: Context

15.4.6 When judged against the Council's Backland & Infill SPD [2010] the proposal is considered acceptable as it gives no rise to significant amenity issues, is of a good design and will improve townscape hereabouts.

15.4.7 In terms of density of development the proposed two units occupy plots that are similar in size to numbers 36, 38, 40 and 44-50 Berechurch Road

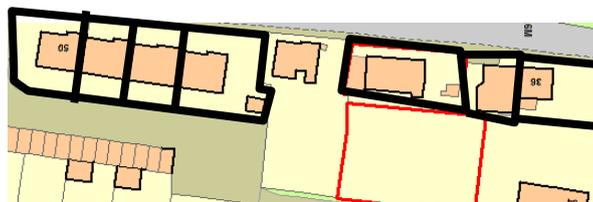


Figure 11: **Comparative Plot Sizes**

15.4.8 Whilst the owner of number 40's objection and Councillor Harris's concerns are noted there are considered to be no sustainable grounds to refuse this application on poor design, inadequate layout, unsympathetic character or excessive density grounds. Final levels should however be subject to further approval by condition.

15.5 Noise

15.5.1 The issue of noise during the construction period has been dealt with within section 10 [Representations from Notified Parties] of this report.

15.5.2 It is undoubtedly true that the construction of two bungalows on this currently vacant site will introduce new human activity. Gardens are naturally to the rear of the proposed dwellings and this will mean that residents using those gardens will be adjacent to the patio and habitable rooms of no 40.

15.5.3 This may disturb the occupier of no 40 when compared to a vacant site but it is not unreasonable to expect garden space to adjoin the rear of your own property in an urban context.

15.5.4 No. 40 will already experience some disturbance from activity in the adjacent rear gardens of no. 38 and 42 as do all the properties that back onto the adjacent parking court and garages. Looking at the state of the rear garden to no. 40 there is significant merit in the application site not being left unmaintained.

15.6 Highway safety

15.6.1 It has already been reported in section 8 [Consultations] of this report that the local highway authority has no objection to this proposal on highway safety grounds and so there are considered to be no sustainable grounds to resist this development on highway safety grounds.

- 15.6.2 Councillor Harris has also rightly drawn attention to the fact that the application plots are served by a vehicular/pedestrian track that also serves the site that sits to the north of the application site. Clearly Councillor Harris wishes to ensure that this right of access remains unimpeded.
- 15.6.3 The proposal has been designed to retain an unimpeded access to the adjacent site with development being set back sufficiently to maintain easy access along the existing track. Indeed the proposal now incorporates a new turning head which represents something of an improvement. It is also proposed to improve the surface of the track with the laying of pavements. This will be a dramatic improvement in design terms and in safety terms as it is currently something of an uneven dirt track.
- 15.6.4 Any alleged dispute over access rights over this track are not a matter for the Council as planning authority as the application red line includes the track. The Council as owner of the adjacent access/parking court is aware of the proposal and has no objection as land owner. It is understood that the owner of the application site has been granted a permanent right of access (pedestrian and vehicular) over the Council's land in order to provide a permanent access to Berechurch Road.
- 15.6.5 The parking court (as accessed via associated private access road) currently comprises 30 lock-up garages and access to these will not be impaired by the proposed development. Many residents of adjacent properties also sporadically park their vehicles around the edge of the parking court (where there are no garages) and this does not impede access. The additional vehicle movements associated with the proposed development will not cause excessive traffic or pose any threat to accessibility in out or through the existing expansive parking court area.
- 15.6. It is however considered prudent to require (by condition) the implementation of the track improvements shown on the submitted drawings prior to occupation of any unit within the permission. This is in the interest of ensuring the enhanced accessibility and townscape enhancements are delivered.

15.7 Other material considerations

- 15.7.1 There are no nearby heritage assets affected by this proposal. *[DP14: Historic Environment Assets]*
- 15.7.2 The proposal does not affect a designated public footpath. [the access track is not a public footpath route]
- 15.7.3 No tree/s the subject of a Tree Preservation Order [TPO] is/are affected (directly or indirectly) by this proposal. The loss of a group of scruffy conifers trees along the frontage of this site (adjacent to access track) is welcomed as they are unsightly and do nothing to enhance the townscape hereabouts, they also grow out over the access track thereby potentially reducing its width for vehicles and they make the route dark and uninviting.

15.7.4 The site is accessible to a refuse freighter from within the adjacent parking court.

15.7.5 Building Control has confirmed that the site can comply with fire safety/access requirements

15.8 Appropriate Conditions: to include

- Need for a Construction Method Statement Completion of track improvements prior to occupation
- Provision of further detail as to bin storage
- Submission of full landscaping detail (excluded from this outline application)
- A land stability report [with mitigation statement where necessary] Further detail as to actual materials (type, colour, composition)
- No additional rooms/ windows in the roof
- Remove domestic permitted development rights
- Retention of parking spaces for parking
- Final levels (ground and finished floor levels) to be agreed before commencement
- Fencing detail to be reserved as part of landscaping submission [RM]

16.0 Planning Balance

16.1 The proposed development will accord with the current Proposals Map land use allocation and will increase the overall housing stock by two further units within urban Colchester the main focus for residential expansion. The town centre being identified as the boroughs most accessible and sustainable location for new residential development.

16.2 Furthermore the development will, if approved, deliver 2 x bungalows - a type of development that the Committee has previously indicated that it wishes to encourage where appropriate across the borough. [because of their inherent accessibility benefits and as they may be attractive to older downsizers].

16.3 Being truly single storey the proposed units can be accommodated within an existing residential area without giving rise to unacceptable amenity infringements.

16.4 There are no highway objections

16.5 It complies with the requirements of Council policies:-

SD1: Sustainable development Locations

H1: Housing Delivery

H2: Housing Density

H3: Housing Diversity

UR2: Built Design and Character

TA1: Accessibility and Changing Travel Behaviour

TA5: Parking

DP1: Design & Amenity
DP12: Dwelling Standards
DP:16 Private Amenity Space Standards
DP19: Parking Standards

- 16.6 In conclusion it is considered that within the context of Council planning policy and the NPPF paragraph 14 ["approving development proposals that accord with the development plan without delay"] this proposal is sustainable and does not result in harm sufficient to outweigh the benefits of allowing the proposed development to proceed. In the context of NPPF paragraph 111 it represents the effective use of urban land and will increase overall housing supply by two units.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of outline planning permission subject to the following conditions:

18.0 Conditions:

1. ZAC - *Time Limit for Outline Permissions Part 1 of 3*

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the LANDSCAPING; FINAL LEVELS (ground & finished floor) & notwithstanding such detail as has been submitted with the application further details of BOUNDARY FENCING have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. ZAD - Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. ZAE - Time Limit for Outline Permissions Part 2 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. ZAM - *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 :

2004_PL05a: Proposed floor plans

2004_PL06: Plot 1 Elevations

2004_PL07: Plot 2 Elevations

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

5. ZAN - Site Levels Plan

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

6 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 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.

7. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08.00hrs – 18.00hrs

Saturdays: 09.00 – 13.00hrs

Sundays and Bank Holidays: at no time

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.

8. ZDA - *General Removal of Residential PD Under Schedule 2 Part 1*

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes [A-H] & Part 2 Classes [A-F] of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

9. ZDH - * Removal of PD - No Extra Openings*

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no window, opening or other aperture shall be inserted or otherwise placed in the elevations of the NORTH and/or SOUTH elevation and no window, dormer or other opening shall be inserted or otherwise placed in any part of the roof except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

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

10. ZCE - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

11. ZJB - Cycle Parking (as approved plan)

Prior to the first OCCUPATION/USE of the development, the bicycle parking facilities indicated on the approved plans shall be provided and made available for use. These facilities shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

12. ZKM - *Residential Parking Spaces Retained*

Prior to the first occupation of the development, the PARKING SPACES shown on the approved plans shall be made available for use for the parking of motor vehicles to be used solely for the benefit of the occupants of the dwelling of which it forms part, or their visitors, and for no other purposes whatsoever. The PARKING SPACES shall then be maintained free from obstruction and for this purpose at all times thereafter.

Reason: In order to ensure that the development retains adequate parking provision.

13. Non Standard Condition (Access Drive)

Prior to the first occupation of the development, the access drive shown on approved drawing number 2004_PL05a shall be constructed and surfaced as approved and shall be made available for use for the benefit of the occupants of the dwelling and such others as enjoy a legal right of access over it . The driveway shall then be maintained free from obstruction and for this purpose at all times thereafter.

Reason: In order to ensure that the development retains adequate parking provision.

14. ZBD Materials

Prior to the commencement of development, a schedule of all types and colours of external materials to be used shall have been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where types and colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

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. 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.