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Item No: 7.5

Application: 181237

Applicant: Mr & Mrs Cutler And Crossley

Agent:

Proposal: Erection of shed at rear of property.

Location: 59 West Stockwell Street, Colchester, CO1 1HE

Ward: Castle

Officer: Eleanor Moss

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an employee of Colchester Commercial (Holdings) Ltd.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact upon the special interest of the heritage assets. In this instance, the impact of a shed within the rear garden is not considered to be harmful.
- 2.2 The application is subsequently recommended for approval

3.0 Site Description and Context

- 3.1 The application site relates to a Grade II listed building, listing is as follows:

Mid C18, for Samuel Wall, attorney. Red brick, 2 storeys and attics, the roofs tiled and hipped north and south one dormer to the front. Parapet front with angle pilasters and centre (3 bay) breaking forward slightly under pediment. Modillioned cornice, also carried over pediment, 2:3:2 window range of double hung sashes with glazing bars, the central window on both floors Venetian. The upper one has Tuscan columns and moulded brick head, the lower one flat brick mouldings. 2 doorcases either side of ground floor Venetian window, open wood pediments, panelled reveals, semi-circular fanlights. The division into 2 houses may date from the later C19.

- 3.2 The site lies within the Colchester Number 1 Conservation Area.

4.0 Description of the Proposal

- 4.1 The proposal seeks retrospective planning permission for a garden shed.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 None relevant to this planning application.

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
CE2a - Town Centre
UR2 - Built Design and Character

- 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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

- 7.4 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 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.

The Emerging Local Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application.

- 7.5 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
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 Archaeological Advisor - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

- 9.1 Non-Parished

10.0 Representations from Notified Parties

- 10.1 The application has not resulted in a number of notifications to interested third parties including neighboring properties. The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 No change to parking provision

12.0 Open Space Provisions

- 12.1 N/A

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 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

Principle of Development

- 15.1 The shed will be located on the rear elevation of the dwelling, where alterations and additions are acceptable in principle and the impact on the character and appearance of the surrounding area will be minimal.
- 15.2 The retrospective proposal accords with CS Policy SD1 and the Framework which promote development in sustainable locations.

Heritage and Design

- 15.3 Under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (P(LBCA)A) there is a statutory duty to protect from harm listed buildings and their settings and to preserve or enhance the character or appearance of a conservation area. The Core Strategy Policy ENV 1 and Development Plan Policy 14 seek to protect the historic environment and thus reflect the provision of the P(LBCA)A. The aims of the Framework are also generally consistent with the requirement of the P(LBCA)A. With regard to design, Core Strategy Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 12 (paragraphs 126 to 141) of the Framework deals with conserving and enhancing the historic environment.
- 15.4 Paragraph 133 and 134 of the Frameworks relates to substantial harm and less than substantial harm. The proposals put forward as a part of this application are not considered to constitute substantial harm. Where a proposal would result in less than substantial harm, paragraph 134 requires the harm to be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 15.5 In this instance, the proposal relates to an existing garden shed which is located at the rear of the property. At the rear of the property, and a number of other properties, are later additions which are of varying design merit, all in quite a close gain resulting in an appearance of embedded and subsidiary character at the rear. The proposed shed is considered to be acceptable in terms of design merit as it is fairly typical in design and covering the yard area. The floor area covered by the proposal is minor and is located within an area where other detached outbuildings are existing and as such would not have a harmful impact upon the character and appearance of the area. The proposal therefore is considered satisfactory on its own merits. The development is visually acceptable and would not detract from the appearance of the listed heritage asset. Consequently the design and layout do not harm the surrounding heritage assets either

Trees and Landscaping

- 15.6 CS Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Central Government guidance on conserving the natural environment is set out in Section 11 of the Framework.
- 15.7 In this instance, the proposal is located on an area of existing hardstanding with no digging or foundations required. As such, the proposal is not considered to result in a harmful impact upon the root protection area of the tree within the rear garden.

Residential Amenity

- 15.8 DPD Policy DP1 states that all development must be designed to avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to (amongst other things) noise and disturbance, pollution (including light and odour pollution).
- 15.9 Given the proposal is single storey and height and contains windows which face solely towards the host property, it is not considered the proposal will create any harmful overlooking.
- 15.10 There is an existing outbuilding within the neighbouring property which overlooks the application site. The proposal is located within close proximity to this outbuilding. While a small section of side facing window is blocked by the proposal, this does not result in the harmful loss of light given the proposals low ridge height. In terms of loss of outlook, the neighbouring outbuilding is not likely to be permanently occupied as such it is not considered the proposal would result in a harmful loss of outlook.

Archaeology

- 15.11 The proposal is within an area of archaeological importance. The Archaeological Officer has confirmed that no material harm will occur. On the basis of this, the proposal would not have a detrimental impact upon the area of archaeological importance.

16.0 Conclusion

- 16.1 To summarise, the proposal accords with local and national planning policies. The application is therefore recommended for a conditional approval

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. 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 References Elevation Drawing received on 8 June 2018.

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

18.0 Informatives

18.1 The following informatives are also recommended:

1. 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.