

# Planning Committee Meeting

**Council Chamber, Town Hall, High Street,  
Colchester, CO1 1PJ**

**Thursday, 25 August 2016 at 18:00**

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

## Information for Members of the Public

### Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.colchester.gov.uk](http://www.colchester.gov.uk) or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

### Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Your Council> Councillors and Meetings>Have Your Say at [www.colchester.gov.uk](http://www.colchester.gov.uk)

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### Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

### Facilities

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[www.colchester.gov.uk](http://www.colchester.gov.uk)

## Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan* 1989) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

## **Planning Obligations**

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

## **Human Rights, Community Safety and Equality and Diversity Implications**

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

## Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

- |  |                         |
|--|-------------------------|
| 1. Necessary                             | 2. Relevant to planning |
| 3. Relevant to the development permitted | 4. Reasonable           |
| 5. Precise                               | 6. Enforceable          |

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



## **Colchester Borough Council Development Management**

### **Highway Safety Issues**

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

### **Parking Standards**

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer's Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



## **Colchester Borough Council Environmental Control**

### **Advisory Notes for the Control of Pollution during Construction and Demolition Works**

*The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.*

#### **Best Practice for Construction Sites**

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

##### **Noise Control**

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

##### **Emission Control**

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

## **Best Practice for Demolition Sites**

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

### **Noise Control**

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

### **Emission Control**

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

# **The Town and Country Planning (Use Classes) Order 1987 (as amended)**

## **Class A1. Shops**

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

## **Class A2. Financial and professional services**

Use for the provision of —

- (a) financial services, or
  - (b) professional services (other than health or medical services), or
  - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

## **Class A3. Restaurants and cafes**

Use for the sale of food and drink for consumption on the premises.

## **Class A4. Drinking establishments**

Use as a public house, wine-bar or other drinking establishment

## **Class A5. Hot food takeaways**

Use for the sale of hot food for consumption off the premises.

## **Class B1. Business**

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
  - (b) for research and development of products or processes, or
  - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

## **Class B2. General industrial**

Use for the carrying on of an industrial process other than one falling within class B1 above

## **Class B8. Storage or distribution**

Use for storage or as a distribution centre.

**Class C1. Hotels**

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

**Class C2. Residential institutions**

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

**Class C2A. Secure residential institutions**

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

**Class C3. Dwellinghouses**

Use as a dwellinghouse (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

**Class C4. Houses in multiple occupation**

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

**Class D1. Non-residential institutions**

Any use not including a residential use —

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction, (i) as a law court.

**Class D2. Assembly and leisure**

Use as —

- (a) a cinema,
- (b) a concert hall, (c) a bingo hall or casino,
- (d) a dance hall,
- (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

### **Sui Generis Uses**

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyard or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

### ***Interpretation of Class C3***

*For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.*

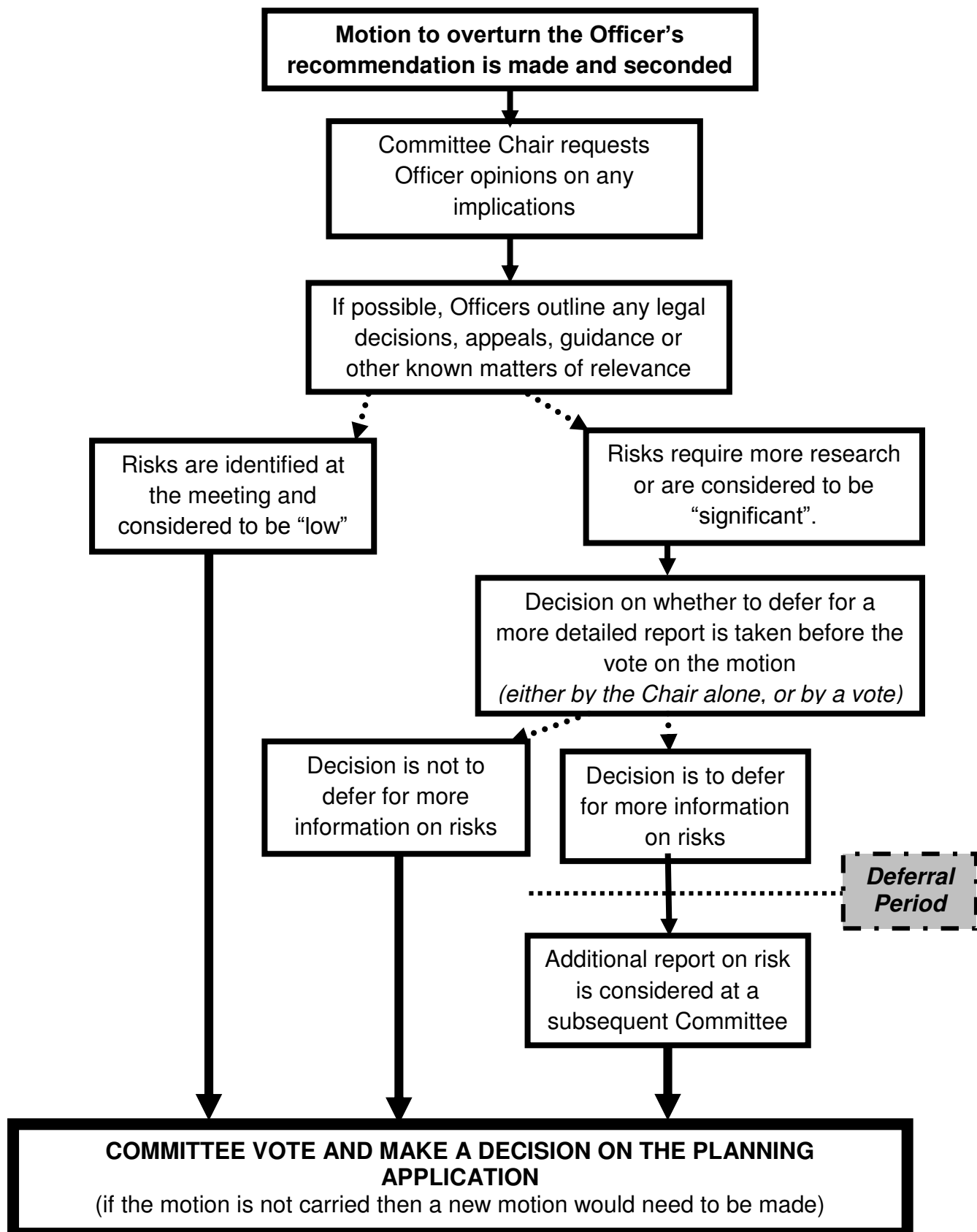
### ***Interpretation of Class C4***

*For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004*

## Deferral and Recommendation Overturn Procedure (DROP) Flowchart

*If Councillors require more information, or minor amendments to be explored, then the item should be deferred.*

*If no more information or amendment is desired Councillors will proceed to propose a motion.*



**COLCHESTER BOROUGH COUNCIL**  
**Planning Committee**  
**Thursday, 25 August 2016 at 18:00**

**Member:**

Councillor Theresa Higgins  
Councillor Cyril Liddy  
Councillor Lyn Barton  
Councillor Helen Chuah  
Councillor Pauline Hazell  
Councillor Brian Jarvis  
Councillor Derek Loveland  
Councillor Jackie Maclean  
Councillor Philip Oxford  
Councillor Rosalind Scott

Chairman  
Deputy Chairman

**Substitutes:**

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop:-

Councillors Christopher Arnold, Tina Bourne, Roger Buston, Karen Chaplin, Nigel Chapman, Peter Chillingworth, Phil Coleman, Nick Cope, Robert Davidson, Beverly Davies, John Elliott, Annie Feltham, Adam Fox, Martin Goss, Dominic Graham, Dave Harris, Darius Laws, Mike Lilley, Sue Lissimore, Fiona Maclean, Patricia Moore, Gerard Oxford, Chris Pearson, Lee Scordis, Jessica Scott-Boutell, Lesley Scott-Boutell, Paul Smith, Martyn Warnes, Dennis Willetts, Julie Young and Tim Young.

**AGENDA - Part A**  
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

**1 Welcome and Announcements**

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
  - action in the event of an emergency;
  - mobile phones switched to silent;

- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

## **2 Have Your Say! (Planning)**

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of the items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

These speaking provisions do not apply in relation to applications which have been subject to the Deferral and Recommendation Overturn Procedure (DROP).

## **3 Substitutions**

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

## **4 Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

## **5 Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest,

the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

**6.1 Minutes of 30 June 2016** 17 - 28

To confirm as a correct record the minutes of the meeting held on 30 June 2016.

**6.2 Minutes of 4 August 2016** 29 - 36

To confirm as a correct record the minutes of the meeting held on 4 August 2016.

**7 Planning Applications**

In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

**7.1 161099 23 Belle Vue Road, Wivenhoe** 37 - 52

Outline application with all matters reserved for the construction of a new 3/4 bedroom dwelling within the boundary of No 23 Belle Vue Road.

**7.2 161181 Laborne, Chapel Lane, West Bergholt, Colchester** 53 - 66

Proposed development of 2 no two-storey dwellings, associated garage/stores and associated works including upgrading of existing vehicular access (following demolition of existing dwelling).

**7.3 161913 19 Layer Road, Colchester** 67 - 72

Two storey side extension and garden wall.

**7.4 161805 20 Dale Close, Stanway** 73 - 78

Two storey side extension and first floor side extension.

**8 Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B**

(not open to the public including the press)



# Planning Committee

Thursday, 30 June 2016

**Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Pauline Hazell (Group Spokesperson), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson)

**Substitutes:** Councillor Michael Lilley (for Councillor Rosalind Scott)

## 332 Site Visits

Councillors Barton, Chuah, Hazell, Higgins, Jarvis, Loveland and Liddt attended the site visits.

## 333 Minutes of 25 May 2016

*RESOLVED* that the minutes of the meeting held on 25 May 2016 be confirmed as a correct record.

## 334 Minutes of 26 May 2016

*RESOLVED* that the minutes of the meeting held on 26 May 2016 be confirmed as a correct record.

## 335 Minutes of 9 June 2016

*RESOLVED* that the minutes of the meeting held on 9 June 2016 be confirmed as a correct record.

## 336 160192 Footbridge, Balkerne Hill, Colchester

The Committee considered an application to remove the existing footbridge and replace

it with a similar style bridge, 3 metres wide. The application had previously been considered by the Planning Committee on 26 May 2016 but was deferred for further clarification of a number of issues. The Committee had before it a report in which all information was set out, together with further information contained in the Amendment Sheet, including the Road Safety Audit.

Daniel Cameron, Planning Contributions Officer, presented the report and together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Sir Bob Russell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Whilst he was in favour of improving cycling provision, this should not be done at the expense of pedestrians. Widening the bridge in order to provide a shared facility would increase the likelihood of conflict between pedestrians and cyclists, who currently used the bridge together without any issues. Whilst it was noted that it was suggested that the proposed works would link to existing cycling routes, cyclists already used the bridge to link to existing routes but were happy to dismount and walk bikes across. A wider bridge would encourage them to cycle at speed and put pedestrians at risk. The proposals also did not take account of the Council's discussions with the Mercury Theatre to improve the environment around the Mercury Theatre. The funding for this project would be better spent on filling potholes in the borough's road network.

Alan Lindsay, Transport Strategy and Engagement Manager, Essex County Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Essex County Council had a long term aspiration to improve cycling provision in Colchester since it had received Cycle Town Status. The proposal would provide access to and from the town centre and link to existing cycle routes. It would allow joint use of the facility by both pedestrians and cyclists. Safety concerns had been looked at very carefully through a multi-stage process. A safety audit had been completed, which demonstrated how the safety issues that had been raised could be addressed. Any future issues could be dealt with as they arose. The proposed new bridge would be a key element of Colchester's sustainable travel infrastructure.

Some members of the Committee expressed concern about the safety implications of a shared facility and queried the use of funding for this facility. The bridge was heavily used by pedestrians, including children and the elderly, using St Mary's car park. A wider bridge would encourage cyclists to cross at excessive speeds, which would be a risk to pedestrians using the bridge. Concern was also expressed about the height of the railings on the bridge and the impact on the areas around the Mercury Theatre. Some members indicated that they would support the widening if signage asking cyclists to dismount was installed.

In response, the planning officers explained that the Mercury Theatre had been

consulted and had raised no objections to the proposals. Other potential uses for the funding was not a material planning consideration. There was no expert evidence that the shared space caused a safety issue and the height of the railings was not changing from the existing. The purpose of the proposed new bridge was to facilitate access by cyclists and therefore the installation of signage asking them to dismount would defeat the purpose of the application.

*RESOLVED* (SIX voted FOR, THREE voted AGAINST and ONE ABSTAINED from voting) that the application be approved subject to the conditions and informatives set out in the report.

**337 151885 Axial way, Colchester**

**Councillor Jackie Maclean (in respect of her business) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for residential development comprising 87 residential dwellings, with associated car and cycle parking, public open space, pedestrian and cycle infrastructure, formation of linkages to adjacent footpath and bridleway and other associated works. The application had been referred to the Committee as it had been called in by Councillor Goss and because it was a major application on which objections had been received. The Committee had before it a report in which all information was set out, together with further information on the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Sue Jackson, Principal Planning Officer, presented the report and together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Ian Kinghorn of Flakt Woods addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Flakt Woods had previously operated at a site at Tufnell Way but had received complaints about the impact of its operations from some neighbouring residential properties. Flakt Woods had moved to its current site approximately 10 years ago as it had been keen to remain in Colchester. The nearest housing was currently 140 metres away, but if the application was approved, housing would be brought significantly closer to the factory. Flakt Woods were concerned by the conclusions of the final acoustic report that noise levels would be above guidelines in some areas. This could lead to complaints and possible private

nuisance actions from residents. This would leave them in a similar situation as at Tufnell Way. Whilst Flakt Woods did not wish to create difficulties, it could not agree to a proposal that could have a negative impact on the business and if approved, would want a flexible approach to be taken to any noise related complaints.

David Mosely, Persimmon Homes, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The site had been allocated for residential development in the Local Plan in 2010. The applicants had worked with officers and consultees to address any issues raised. In terms of noise, the homes would be set back from Axial Way and behind an acoustic screen. Persimmon's acoustic consultant had positively engaged with Flakt Woods and the Council's Environmental Health Officers and the scheme had been designed to deliver a satisfactory living environment. Detailed modelling had been undertaken and this showed that internal noise levels would meet guidelines on noise levels. Where noise levels would be exceeded this was a consequence of road noise and the guidelines were clear that this was acceptable in areas near strategic road networks. The scheme would provide allocated parking in line with standards and the roads would be constructed to an adoptable standard. The scheme would deliver contributions of over £420,000 to local infrastructure.

Councillor Goss attended and with the consent of the Chairman addressed the Committee. The site had been allocated as housing in 2010 but previously had been allocated as industrial land. This was a high density scheme: in the Local Plan it was anticipated that the site might provide 70 dwellings. Support for Flakt Woods comments on noise issues was expressed and if approved, the permission should require triple glazing. Parking provision was below standard and the density of the scheme should be reduced to allow the scheme to meet standards. If the Committee was minded to approve the application it should add a condition requiring the introduction of a residents only parking scheme. Electric car charging points should also be required by condition.

In discussion, members of the Committee expressed concern about the proximity of residential dwellings to the Flakt Woods site and the potential impact of road noise from Axial Way and the A12. The proposed mitigation measures did not seem to be sufficient to protect residential amenity. Members were also concerned about the potential impact of any complaints about noise on Flakt Woods, who were a major employer and who had behaved responsibly in moving from Tufnell Way. Members sought clarification as to whether they would have been directly consulted about the proposed change in the allocation of the site. Given the combination of road noise and the operation of Flakt Woods it was inevitable that some complaints would be made. Concern was also expressed about the under provision of visitor parking and potential conflict between cyclists and other users of the bridleway.

The Principal Planning Officer explained that the site was not unacceptable in terms of density. Residents parking standards were met, although there was a shortfall in visitor

parking. Roads would be made to an adoptable standard and the parking would be managed by a management company. It was confirmed that although the Local Plan would have been subject to consultation, Flakt Woods would not have been directly notified of the proposed change in the land use allocation of the site. The bridleway was being widened which would be an improvement to the existing situation.

In response to concerns expressed by the Committee on noise issues, Belinda Silkstone, Environmental Protection Manager, was invited to address the Committee. She explained that the application had been modelled on the basis of day to day operations on the factory site and the impact on properties was measured on the basis of windows remaining closed. As a consequence of the modelling it was proposed that some properties would be provided with enhanced glazing. Acoustic barriers were also proposed and these were an accepted method of noise attenuation and would help protect outside spaces. In terms of how complaints on noise would be dealt with, the Council had a statutory duty to look into any complaints that were received. If it failed to do so, residents could take their own private action.

Members remained concerned about the shortfall in parking provision and the adequacy of the proposed methods to mitigate noise and considered that as a consequence residential amenity would be unduly affected.

*RESOLVED* (UNANIMOUSLY) that the application be refused on the grounds of inadequate parking provision and the failure of the scheme to adequately mitigate the impact of noise from the Flakt Woods site, which would have an undue impact on residential amenity and the operation of Flakt Woods.

### **338 160551 Rowhedge Wharf, High Street, Rowhedge**

The Committee considered an application for the demolition of existing vacant units and erection of a residential development comprising 86 new residential dwellings together with associated hard and soft landscaping, access, car parking and servicing, amenity space and associated utility infrastructure. The application had been referred to as it was a major application and representations raising material planning applications had been received. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposals on the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Councillor Phil George, Chairman of East Donyland Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He welcomed housing development on brownfield sites and appreciated the informal meeting with the applicant. However, the Parish Council had some concerns. There were some factual inaccuracies on the Planning Statement submitted by the applicant. The application had scored as poor in the Building for Life Assessment and asked the Planning Committee to take account of this low score. The environmental surveys were incomplete. The Parish Council was also concerned that the infrastructure of the village could not cope with the increase in population that would result from the application. The school and doctor's surgery were already full. The Parish Council would like the following to be considered as part of the section 106 agreement;

- The management of the greensward open space proposed as part of the development;
- The developer to be responsible for ensuring the public right of way between the site and the existing Bloor site was developed and maintained;
- Consideration be given to funding the Pump House project, which would be a more suitable use for a community facility contribution than the Social Club.

Councillor Scordis attended and with the consent of the Chairman addressed the Committee. He echoed the Parish Council's comments. In addition the issues with flooding needed to be resolved before any building took place. It was also important that the proposed access to the site via Haul Road rather than through Rowhedge village was enforced.

In response the Principal Planning Officer explained that the appropriate section 106 contributions had been considered by the Council's Development Team. The request by Essex County Council on education were being met. There had been no request for a contribution from the NHS. However phase one of the scheme did provide for a new building which could be used for a doctors surgery. The Council's Community Facilities team had been involved in discussions and the Social Club had been identified as a facility that was in need of substantial enhancement. The open space would be managed via a management company and the Building for Life Assessment referred to had been made at a preliminary stage. The Urban Design Officer now considered that the scheme was well designed. Access to the site by both construction and residential traffic would be by the Haul Road entrance.

In discussion, members explored further issues relating to the section 106 contributions. Concern was expressed that the Parish Council had not been consulted about the proposed contribution to the Social Club. Further information was also sought about the use of the education contribution and whether this could be ring-fenced for use in Rowhedge. Some members expressed a view that the scheme was well designed and the proposed dwellings took reference from existing buildings. The new

access road was also welcomed.

The Principal Planning Officer confirmed that the application met standards on affordable housing and public open space. The section 106 contribution for education could not be ring-fenced for use in Rowhedge. It would be for Essex County Council to decide how it should be used. Whilst the Parish Council's interest in the Pump House as a potential community facility was noted, the project was not yet at a stage where section 106 funding could be allocated to it.

*RESOLVED* (NINE voted FOR and ONE ABSTAINED from voting) that the application be approved subject to the signing of a section 106 agreement and subject to the conditions and informatives in the report and the Amendment Sheet.

### **339     160608 Eastwood Service Station, Ipswich Road, Colchester**

The Committee considered an application for the redevelopment of the existing petrol filling station to include a new sales building, canopy, fuel pumps, car wash, boundary treatments, service compound, hard and soft landscaping and ancillary rearrangements to the forecourt. The application was referred to the Committee because the application had been called in by Councillor Beverley Oxford. The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposals on the locality and the suitability of the proposal for the site.

Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations.

A petition containing 38 signatures in opposition to the application was presented to the Committee.

Richard Rodley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He drew comparisons with application 151885, which the Committee had earlier refused, in that the issue was the impact a commercial operation would have on local residents. If approved, the application would cause noise and air pollution. The level of car parking on site would increase from 2 to 15. The shop would increase in size by two-thirds. The Committee should restrict development to the existing boundary of the site. There was amenity land to the rear and side of the site which protected residents from noise and pollution from the site. Under the proposals lighting and car parking would be extended right up to the boundaries of the site.

Hannah Thomas-Davies addressed the Committee subject to the provisions of Planning Committee Procedure Rule 8 in support of the application. The principle of the development was already established. The plans had been revised to take into account concerns of residents. A drainage strategy would address residents concerns on drainage. The existing landscaping would remain and an additional three trees would be planted. The vents to the tanks would also be moved. This was the first major overhaul of the site and would lead to a state of the art development.

Councillor Smith attended and with the consent of the Chairman addressed the Committee. He explained that was some confusion over opening hours: the current hours were 7.00am – 11.00pm, but it was proposed that this be changed to 6.00am - 11.00pm. The design of the shop did not take account of its location in a residential area and a more sympathetic brick building would be more appropriate. There needed to be better separation between traffic entering the site and traffic using Myland Hall Chase.

Some members of the Committee were concerned about issues of light pollution, overdevelopment and increased use of the site leading to increased conflict with pedestrians. However, it was noted that no changes to the existing access were proposed and that there was no objection from the Highways Authority. The majority of the existing boundaries would be retained and there was little opportunity for noise and light to escape from the site and impact on the amenity of local residents.

In discussion it was suggested that a terracotta finish to the road side elevation of the shop may be more appropriate to match housing in the area. Concern was also expressed about the opening hours and the impact of deliveries. It was confirmed that the applicant was content to work to the existing opening hours of 7.00 am – 11.00pm. It was also suggested that in order to protect residential amenity there should no setting up of the forecourt before these hours and that a delivery strategy should be agreed. In addition covered cycle parking for staff and customers should also be provided.

*RESOLVED* (EIGHT voted FOR and TWO ABSTAINED from voting) that the application be approved subject to the conditions and informatives in the report and on the Amendment Sheet together with additional conditions requiring the submission and agreement of a delivery strategy, the restriction of opening hours to 7.00am – 11.00pm with no setting up of the forecourt prior to opening and covered cycle parking for staff and customers.

#### **340 160071 Bourne Court, Colchester**

The Committee considered an application for the erection of 37 residential units, complete with access and parking provision. The application was referred to the

Committee as it was a major application that involved the signing of a section 106 agreement and objections had been received.

The Committee made a site visit in order to assess the impact of the proposal on the site and the suitability of the proposal for the site.

Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations.

Robert Pomery addressed the Committee in support of the application pursuant to the provisions of Planning Committee Procedure Rule 8. Outline permission had been given for the proposal in 2014. A small increase in the number of dwellings from the outline permission was proposed which would be achieved by reducing the size of some of the dwellings. There would be more affordable housing and two bungalows were included in the scheme, which would provide a gateway to the site. The scheme was well designed and met policies. Issues raised about surface water drainage and flooding had been dealt with. The scheme was an efficient use of an underused brownfield site and would provide family housing at affordable prices.

Councillor Harris attended and with the consent of the Chairman addressed the Committee. He had conducted a survey earlier in the year about the path which would connect the site with Bourne Court. Whilst residents of King George Road and Queen Mary Drive welcomed the path, it was strongly opposed by residents of Bourne Court and Dudley Close. It was important that the boundary fence with Dudley Close was fit for purpose and that there was clarity on responsibility for its maintenance. The roads into the development needed to be wide enough for delivery and refuse vehicles and residents of Queen Mary Close and King George Road would like to see a 20 mph speed limit imposed. There was no information about the provision of recycling facilities.

In response the Planning Officer explained that the footpath was seen as a strategic route that would provide linkages to the site. The Highways Authority was content with the scheme and their suggested improvements had been incorporated into it. The issue of speed limits on Queen Mary Close and King George Road were for the Highway Authority.

The Committee indicated that they were content with the scheme but suggested an additional condition be included requiring the provision of recycling facilities for the flats.

*RESOLVED* (UNANIMOUSLY) that the application be approved subject to the signing of a section 106 agreement and subject to the conditions and informatives set out in the report and an additional condition requiring the provision of recycling facilities for the flats.

**341 161336 Old Heath Recreation Pavilion, Recreation Road, Colchester**

The Committee considered an application for the redevelopment of the Old Heath Tennis Pavilion into a community cafe. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report in which all the information was set out.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report.

**342 161099 Land at 23 Belle Vue Road, Wivenhoe**

**Councillor Cyril Liddy (in respect of his personal acquaintance with the objectors) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an outline application with all matters reserved for the construction of a new 3-4 bedroom dwelling within the boundary of 23 Belle Vue Road. The application was referred to the Committee because Councillor Cory and Councillor Scott had called it in. The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

Chris Harden, Planning Officer, presented the report and together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Greg Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The new development would be only 80cm from the side wall of the dwelling at 25 Belle Vue Road. The application was contrary to the Council's policies on infill development, visual separation and housing density. The submitted plans were so inadequate as to be misleading. There was also a procedural irregularity in that the Planning Officer had written his report in advance of the close of the consultation period and before his objection had been received. Whilst there was an opportunity to develop this plot a more sensitive form of development was needed.

Joel Walsh addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application complied with planning policy. There would be adequate distance between the dwelling and existing buildings. The dwelling would not be set forward so it would not be to the detriment of

the street scene. Off road parking would be provided. The development would still leave a large garden for 23 Belle Vue Road. The concerns of neighbours would be taken into account during the design stage and the building would be sympathetically designed.

Councillor Cory attended and with the consent of the Chairman addressed the Committee. The proposed development would not fit in with the street scene and whilst a garage would fit comfortably in the space proposed, a large house would not. It would cause a loss of residential amenity, loss of space between houses and the loss of privacy, all contrary to Council's policies on backland and infill development. It would be out of character with the street scene. The only precedent on the street was No. 19A, which was built before the present guidance was adopted. The loss of space between buildings would give a crammed and terraced effect. Paragraph 5.4 of the relevant Supplementary Planning Document required that such developments made a positive contribution to the character of the area, but this development did not do so.

The Planning Officer explained that the submitted plans were illustrative and the final design would be submitted at the reserved matters stage. There was sufficient room on the plot for the development and for the provision of two parking spaces, and with careful design the building could enhance the street scene. No significant vegetation would be lost.

Members of the Committee expressed concern about the proposals, in particular the proximity to neighbouring properties and the impact this would have on the street scene and on residential amenity. The Major Developments and Projects Manager suggested that the Committee could defer the application and request further information including an indicative design which would enable the Committee to assess whether a satisfactory form of development in line with policy could be achieved. It would also provide the opportunity for a site visit.

*RESOLVED* (NINE voted FOR and ONE ABSTAINED from voting) that the application be deferred for the submission of illustrative plans to demonstrate that a satisfactory form of development can be achieved in conformity with the Adopted Backland and Infill Supplementary Planning Document, and for a Committee site visit.

### **343     152814 University of Essex, Wivenhoe Park, Colchester**

The Committee considered an application for the erection of a sports centre extension to include sport hall containing 3 basketball courts together with facilities for sports therapy and human performances, classrooms, rehabilitation area, social space and bar and post graduate study facilities. The Committee had before it a report in which all the information was set out, together with additional information on the Amendment Sheet.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report and the Amendment Sheet.

**344      160974 Creffield Medical Centre, 15 Cavalry Road, Colchester**

The Committee considered an application for the erection of a commemorative plaque. The application was referred to the Planning Committee because the applicant was an Honorary Alderman. The Committee had before it a report in which all the information was set out.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report.

**345      160990 Brickhouse Farm, Lower Road, Peldon**

The Committee considered an application for a general purpose extension to an existing farm building to include a self-contained and sectioned off wash down area. The application was referred to the Committee as the applicant was a Borough Councillor. The Committee had before it a report in which all the information was set out.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report.

**346      161058 Town Hall, High Street, Colchester**

The Committee considered an application for listed building consent for the restoration of a clock face, including the removal and replacement of opal glass. The application was referred to the Committee as Colchester Borough Council was the applicant. The Committee had before it a report in which all the information was set out.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report.

# Planning Committee

## Thursday, 04 August 2016

**Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Member)

**Substitutes:** Councillor John Elliott (for Councillor Pauline Hazell)

### 354 Site Visits

Councillors Barton, Chuah, Elliott, Higgins, Jarvis, Liddy, Loveland and J. Maclean attended the site visits.

### 355 Minutes of 14 July 2016

The minutes of the meeting held on 14 July 2016 were confirmed as a correct record.

### 356 152493 6-7 Hawkins Road, Colchester

The Committee considered an outline planning application for 37 apartments, two office units and associated layout, access and parking with all other matters reserved at 6-7 Hawkins Road, Colchester. The application had been referred to the Committee because it was a major application which had generated objections. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Bradly Heffer, Principal Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Kevin Read, on behalf of Hamblion Transport, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that Hamblion Transport were a long established haulage company based directly opposite the application site. The company had a fleet of 38 heavy goods vehicles operating all year round at all hours of the day and night. He had grave concerns about the implications of the approval of the application as he was of the view

that this type of commercial operation was not compatible with a residential area in close proximity. It was likely that future residents would seek to complain about noise and disturbance and this may lead to restrictions being imposed on his business operations. He acknowledged the status of Hawkins Road in the Local Plan and the view that the area was suitable for residential use but was of the view that this would have a significant detrimental effect on the operation of his business which had been established in this location over many years.

Peter Le Grys addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site had been an important base for Silverton Aggregates at the Hythe but the company had recently acquired other premises in the locality which would enable them to develop and expand. He referred to the existing residential development in the site adjacent to the application site and that no measures had been imposed to date to restrict the commercial operations in the area as a consequence. He considered the development of the area was a jigsaw of differing elements and asked the Committee to bear in mind the proposal's inclusion of office space and the various conditions which would help to mitigate issues such as flooding, parking and access.

Councillor Cory attended and, with the consent of the Chairman, addressed the Committee. He referred to the Supplementary Planning Guidance which stated a 60/40 commercial/residential split for the Hawkins road area. He considered residential use in the area had reached its maximum, given the already established commercial uses and he considered further loss of commercial uses needed to be resisted. He was aware of the recommended conditions to mitigate such issues as flooding, noise and parking but was of the view that these would not be sufficient to provide for the differing uses to exist together compatibly. He referred to the considerable existing parking problem in the area and also questioned the amenity area to be provided for residents within the proposals, especially given the units were likely to attract young families with children. He considered there would be potential for children to be in the vicinity of dangerous vehicle movements and did not consider balcony spaces to be an adequate consideration for dwellings with children in occupation.

The Principal Planning Officer acknowledged the provision of balcony spaces to a proportion of units in lieu of an amenity area and explained that the proposals also included the provision of roof gardens to the two buildings near the entrance to the site. He pointed out that the residential area to the south of the application site included a larger amenity area as this was a much less constrained site. The site was in the Flood Zone but the proposals had been drawn up cognisant of this fact such that no objections had been raised by the relevant technical experts. He explained that the residential status was in respect of the west side of Hawkins Road and, as this was included in the Local Plan, the principle of residential development opposite existing commercial operations was considered to be sound in planning terms. He was of the view that the recommended conditions to be applied to a planning approval were satisfactory

responses to any issues which may arise in relation to the development of the site.

A number of Committee Members were concerned about the compatibility of residential development in such close proximity to existing commercial uses and indicated their considerable misgivings regarding the potential loss of, or restrictions being placed upon, long established businesses in the area. Reference was also made to the amount of parking provision being proposed and, whilst the ability to accept provision below the generally accepted standard in highly sustainable areas was acknowledged, Members were of the view that the site did not adequately meet the sustainability criteria. The site was not considered to be within walking distance of jobs and evidence elsewhere indicated that sustainability did not necessarily correlate with a lower level of car ownership. As such it was considered likely that an increased level of car parking for the site than that currently proposed was considered to be necessary. Concern was also expressed in relation to the lack of amenity space which would be suitable for children.

The Principal Planning Officer reiterated the discretion available within the Council's accepted standards to accept lower levels of parking provision and to provide balcony areas in place of more conventional amenity areas. He also explained the acceptability of a generally higher density of residential development in the Hythe area.

The discussion suggested that the Committee may be minded to refuse the application on grounds of insufficient parking provision, environmental disturbance and incompatibility with commercial uses issues and residential amenity, contrary to the officer's recommendation in the report. In accordance with the Committee's procedures in these circumstances, the Chairman invited the Planning Manager to indicate the significance of the associated risks should the Committee overturn the Officer's recommendation in this instance. The Planning Manager indicated that he was of the view that there were risks to such a decision and he advised that a further report to look carefully at these risks should be required for consideration by the Committee giving details of potential reasons for refusal of the application. He further advised that some of the issues, such as potential noise to future residents, may be sufficiently mitigated through design changes and it would be necessary to seek the views of Environmental Protection on supporting a refusal at appeal.

In the light of the advice that the risks associated with a refusal of the application were likely to be high, the Chairman invited the Committee to invoke the Deferral and Recommendation Overturn Procedure (DROP).

RESOLVED (NINE voted FOR and ONE ABSTAINED) that the Deferral and Recommendation Overturn Procedure be invoked and a further report be submitted to the Committee giving details of the possible implications of refusing the application together with potential reasons to refuse should the Committee determine to do so on grounds including lack of parking and amenity space, excessive density of development

and the potential conflict with existing commercial uses in the area.

**357 160147 Severalls Hospital, Boxted Road, Colchester**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application and listed building consent for the refurbishment of retained buildings (Larch House, Administration Building, Water Tower and part of the Echelon Building) to provide 20 residential units, car parking, landscaping and private amenity space at Severalls Hospital, Boxted Road, Colchester. The applications had been referred to the Committee because a legal agreement was proposed to link it to the outline planning approval (reference 151401) for the redevelopment of the site and its associated legal agreement. The Committee had before it a report in which all the information was set out.

Alistair Day, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. The Principal Planning Officer explained that the recommended conditions associated with any planning approval had been updated since the publication of the report to include a standard condition to provide for the agreement of arrangements for the collection of refuse, the submission and approval of elevation drawings and, in respect of the Listed building consent, a condition to safeguard and restore architectural features in the buildings.

RESOLVED (UNANIMOUSLY) that the Head of Commercial Services be authorised to approve the planning application subject to the conditions set out in the report and as revised at the meeting and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the legal agreement is not signed within six months authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for the linking of the application to the Section 106 agreement signed as a part of the outline planning application number 151401 for the redevelopment of the Severalls Hospital site.

**358 160915 Cosways Holiday Park, Fen Lane, East Mersea**

The Committee considered an application to amend the location and provide full details of a children's playground, approved by planning permission 151231 at Cosways Holiday Park, Fen Lane, East Mersea, Colchester. The application had been referred to the Committee because it had been called in by Councillor Davidson. The Committee had before it a report in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Ishita Sheth, Development Management Planning Officer, presented the report and assisted the Committee in its deliberations.

John Pearce addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was representing the owners of Fen Farm Caravan Park, adjacent to the application site, where their customers were seeking an experience which was peaceful and tranquil. There had recently been an unwelcome increase in noise disturbance which had resulted in significant impact and excessive harm for their customers. Whilst the need for the play equipment was acknowledged he did not consider that the change of location was appropriate as it meant that the source of noise was concentrated in one area rather than being dispersed.

Martin Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the current owners of the Holiday Park were attempting to make it more family friendly and, as such, there appeared to be a clash of cultures with the aspirations of the neighbouring Holiday Park's owners. He was aware that the neighbouring Holiday Park did also include a play area. He confirmed that the principle of a play area had been agreed and this application was to relocate it adjacent to the clubhouse and outdoor swimming pool. An area of landscaping had already been undertaken to screen the area from the neighbouring site and he explained that concerns in relation to flooding were unlikely to be an issue as the play equipment would not be used in inclement weather conditions.

Councillor Davidson attended and, with the consent of the Chairman, addressed the Committee. He explained that East Mersea was a community known for its quiet, rural characteristics with more activity taking place at West Mersea. The owners of Fen Farm Holiday Park had not objected to the principle of the play area previously as it had been located away from the residential area of their site but the proposed relocation would lead to potential disturbance closer to the individual residential units. He acknowledged the landscape planting which had taken place and referred to the need for this to be maintained for the future. The concerns expressed by the owners of Fen Farm were supported by the Parish Council who considered that similar conditions needed to be applied to the application as those imposed on the planning permission at Coopers Beach Holiday Park.

The Development Management Planning Officer explained that the proposed location of the play equipment was unlikely to cause harm due to noise disturbance and, as such, there was no justification to impose conditions to restrict its use

Members of the Committee considered the proposal to locate the play area close to the club house to be appropriate and welcomed the landscaping work undertaken by the applicants as well as the inclusion of play equipment suitable for children with disabilities.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

**359      161249 11 Wordsworth Road, Colchester**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for an interpretation panel mounted on a single post containing general historical information and logos, situated in Lexden Mount, a scheduled ancient monument, at 11 Wordsworth Road, Colchester. The application had been referred to the Committee because the applicant was employed by Colchester Borough Council. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

**360      161253 St Botolph's Priory, Priory Street, Colchester**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for an interpretation panel mounted on a single post containing general historical information and logos, situated in St Botolph's Priory, Colchester, a scheduled ancient monument. The application had been referred to the Committee because the applicant was employed by Colchester Borough Council. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

**361      161256 62 Dugard Avenue, Colchester**

**Councillor Maclean (by reason of a family member's ownership of a house opposite the application site) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for an interpretation panel mounted on a single post containing general historical information and logos, situated in Grymes Dyke, a scheduled ancient monument, at 62 Dugard Avenue, Colchester. The application had been referred to the Committee because the applicant was employed by Colchester Borough Council. The Committee had before it a report in which all the information was

set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

**362 161259 GO4 Market Café, Holy Trinity Church, Trinity Street, Colchester**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for an interpretation panel mounted on churchyard railings containing general historical information and logos, tactile and braille elements also included situated near a Grade I Listed former church building, at GO4 Market Café, Holy Trinity Church, Trinity Street, Colchester. The application had been referred to the Committee because the applicant was employed by Colchester Borough Council. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

**363 161366 4 Spring Lane, Wivenhoe**

**Councillor Scott (by reason of her living opposite the application site) declared an other interest pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination.**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for a side extension to a single storey dwelling at 4 Spring lane Wivenhoe. The application had been referred to the Committee because the application had been called in by Councillor Scott. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

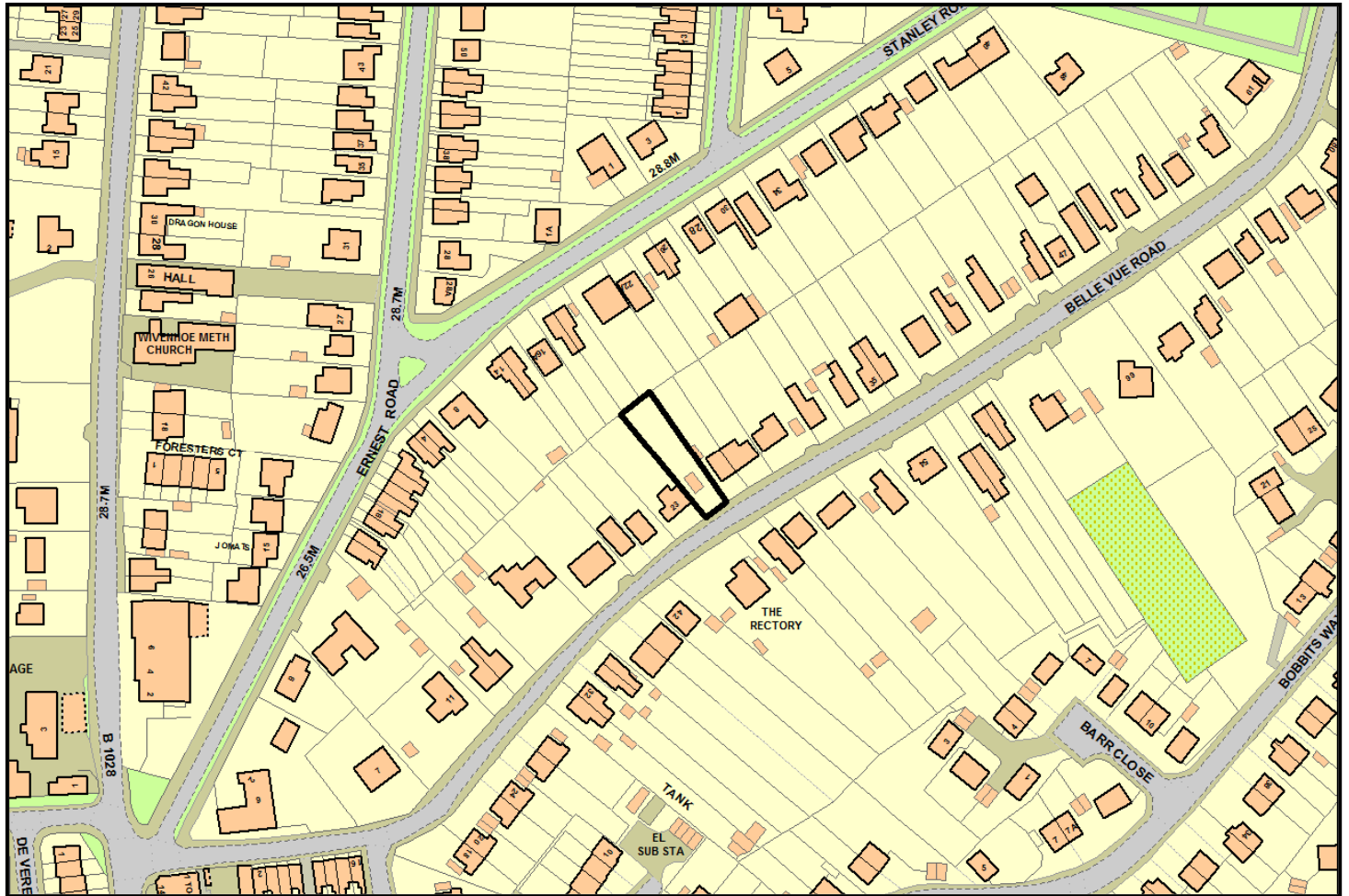
**364 Warren Lane / Dyers Road, Stanway - Archaeological Condition**

**Councillor Oxford was not in attendance for this item.**

The Committee considered a report by the Head of Commercial Services giving details of an additional condition to be applied to planning permission number 152826 (the erection of 93 dwellings, public open space, landscaping, access and car parking) at land to the east of Warren Lane, Stanway. The condition would require the

implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, had been anticipated as a requirement by the developer and, as such, no objection had been submitted.

RESOLVED (UNANIMOUSLY) that the additional condition be approved.



**Application No:** 161099

**Location:** Land At, 23 Belle Vue Road, Wivenhoe, Colchester, CO7 9LD

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

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## Committee Report

Agenda item

7

To the meeting of **Planning Committee**  
on: **25<sup>th</sup> August 2016**  
Report of: **Head of Professional/Commercial Services**  
Title: **Planning Applications**

**7.1 Case Officer: Chris Harden**

**Due Date: 30/08/16**

**MINOR**

**Site:** 23 Belle Vue Road, Wivenhoe, Colchester, CO7 9LD

**Application No:** 161099

**Date Received:** 18 May 2016

**Agent:** Mr Joel Walsh (Atp Architects + Surveyors Limited)

**Applicant:** Mr James Howlett

**Development:** Outline application with all matters reserved for the construction of a new 3/4 bedroom dwelling within the boundary of No 23 Belle Vue Road.

**Ward:** Wivenhoe

**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 Councillor Cory has called it in for the following reasons: 'I believe that the proposed development would be of an overbearing nature on the adjacent property. The original plans do not show this, and even on the new plans - on paper the effect cannot be appreciated. I also feel that this is infill/backfill development which would not enhance the street-scene, so it therefore does not satisfy our local policy objectives.'

## 2.0 Synopsis

- 2.1 **This application was deferred from the 30<sup>th</sup> June 2016 Planning Committee to allow Councillors to visit the site and to allow submission of illustrative plans to demonstrate that a satisfactory form of development could be achieved in conformity with Adopted Backland and Infill SPD. Illustrative front elevation and layout plans have now been submitted.** The key issues explored below are whether the site is large enough to satisfactorily accommodate a dwelling without it appearing cramped and the site overdeveloped and whether there would be a detrimental impact upon the character of the street scene or upon neighbouring residential amenity or highway safety. It will also need to be assessed whether there would be adequate parking and manoeuvring space and amenity space provided for the new dwelling and retained for the existing. In this case it is considered that the site is large enough to accommodate an appropriately designed and scaled dwelling without detriment to the character of the street scene or surrounding area. **It is considered that the submitted illustrative plans further demonstrate this.** Adequate parking space and amenity space for the existing and new dwelling would be provided and it is not considered there would be any detriment to neighbouring residential amenity.

## 3.0 Site Description and Context

- 3.1 The site lies within the physical limits of Wivenhoe and is part of the side and rear garden of number 23 Belle Vue Road. The front part of the site also consists of a double garage and parking area that serves the existing dwelling. There are dwellings on either side of the road with quite a tightly knit pattern in some areas. Some dwellings in the street have the gable facing the road.

## 4.0 Description of the Proposal

- 4.1 The Outline Application (with all matters reserved) is for the erection of a dwelling with an area for two parking spaces at the front. The existing dwelling would also have a new crossover and hard surfaced space in front of it for two cars. The plot would have a frontage width of 8 metres widening to 9.3 metres to the rear and would have a length of just over 40 metres.

## 5.0 Land Use Allocation

- 5.1 Predominantly residential.

## 6.0 Relevant Planning History

- 6.1 No relevant recent planning history.

## **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

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

TA5 - Parking

ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

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

DP19 Parking Standards

7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Backland and Infill

Vehicle Parking Standards

Sustainable Construction

The Essex Design Guide

External Materials in New Developments

## **8.0 Consultations**

- 8.1 Highway Authority: states that “this Authority would be unlikely to raise any objections to the proposed construction of a 3/4 bedroom dwelling within the boundary of 23 Belle Vue Road subject to the following being provided;
- 1) Parking facilities in accordance with current policy standards; 2 spaces each all measuring no less than 2.9m x 5.5m, for both the new and donor properties (four spaces in total)
  - 2) Transport information marketing pack for the new property
  - 3) No loose or unbound material used for the vehicle access surfacing within 6m of the highway boundary
  - 4) For existing access points the current vehicle visibility splays are retained, and for any new access points vehicle visibility splays are provided to match the existing.’
- 8.2 Highway Authority amended plan comment: ‘For this application I have had a look at the amended plans submitted and this Authority does not wish to submit further comments.’

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 The Parish Council have stated that “The development is overbearing to the streetscape. Clauses 3.2, 3.6. 5.4 and 6.3 of the CBC’s SPD ‘Backland and Infill Development?’ refer. In particular 5.4 which states that ‘a backland or infill development should make a positive contribution to the character of the existing locality and 3.2 which states ‘In some areas large gardens will be the defining character and in these areas backland and infill development will normally be resisted.’ On-street car parking will also be an issue of concern as this will need to be compliant. It should also be noted that houses built by in-filling cannot be taken off the Wivenhoe Neighbourhood Plan’s housing allocation.”

## **10.0 Representations**

- 10.1 Wivenhoe Society states: “The application is for outline permission to build adjacent to the current property. This will involve demolishing the current garages linked to the house. From the drawings the proposal appears to be that parking for the newly constructed dwelling would be to the front of the new property but nothing is shown for parking provision for the existing dwelling. There would appear to be adequate space for two cars to be parked in what is currently the front garden of number 23. No outline permission should be granted unless adequate off road parking provision is guaranteed for both the host property and the proposed new dwelling. Front of house parking (at least 4 spaces in total required) will detract from the street scene and is likely to result in a loss of the wall to the front of the property and an additional dropped curve entrance unless the old and the new property share access. There is a precedent for this in Belle Vue Road but visually it is unattractive. Some form of soft landscaping should be stipulated. The gap between the proposed new house and its neighbour is small which will give a rather cramped appearance. There are windows to the side of number 23 which will

face straight onto the side of the proposed new property. It will be necessary to see if building regulations are still satisfied for the existing property.

The plot size for the suggested new dwelling and the remaining plot size for number 23 would be in keeping with other plot sizes in the immediate location”

10.2 Councillor Cory has made the following objections: “I believe that the proposed development would be of an overbearing nature on the adjacent property. The original plans do not show this, and even on the new plans - on paper the effect cannot be appreciated. I also feel that this is infill/backfill development which would not enhance the street-scene, so it therefore does not satisfy our local policy objectives.’

10.3 **Addition:** Cllr Rosalind Scott submitted a formal call in form which raised the following concerns that were expressed by a neighbour:

1. We **object** to this wholly speculative development on the grounds that it is contrary to relevant local planning policies in the Adopted Local Plan and relevant supplementary planning documents, in terms of:
  - a) the adverse impact of the proximity of the development to neighbouring properties; and
  - b) the adverse impact of the scale and form of the proposed development on the character of the street scene.
2. We are also concerned that the inaccurate drawings submitted with the plan exaggerate the size of the neighbouring property and may mislead consultees and decision makers as to the fit (both literal and metaphorical) of this development in this location.
3. We do not object to some form of new development at this location – for example the existing property could be extended into the gap, and reconfigured as a pair of semis, in such a way as to respect and reinforce the character of the street scene – but what is currently proposed is in our view entirely inappropriate.

#### **1a. Proximity to Neighbouring Properties Spacing**

There is not room to squeeze a house of the scale proposed into the gap between the two existing properties.

Our house (No.25) was extended in the 1980s right up to the boundary of our land leaving a gap of 8.2m to our neighbours’ house (No.23). The proposed development is to establish a new dwelling in its own plot in this 8.2m gap. In the application, the proposed new house is specified as being 6.3m wide, leaving a distance of just 1.9m to form the gaps to each side of the building (ie less than 1 metre to each side if evenly distributed; much less to the No.25 side if independent access to the side of both No.23 and the new development are implemented as indicated on the submitted plan).

NB The application describes bigger separation distances between the new house and the existing properties to each side (2.0m to No.23 and 0.8m to No.25) because the accompanying plan has exaggerated the width of the existing gap by nearly a metre (see more at 2. below).

The adopted Supplementary Planning Document on Backland and Infill Development, adopted in December 2010, (hereinafter referred to as SPD Backland and Infill Development) includes specific policies and standards relevant to this development. Para 6.19 (Plot Width) specifies that “plots must be of sufficient width to allow a building(s) to be sited with adequate separation between dwellings.” We contend that the evidence presented above demonstrates that the proposed separation between dwellings is in no way adequate.

Plot Width and Visual Separation In addition Para 6.19 goes on to say that “...The width of the remaining and the new plot should be similar to that prevailing in the immediate area”. We have calculated that the average plot width along this section of Belle Vue Rd (c100m each way from the proposed development) is 14.1m. The plot frontage of the proposed development will be only 7.2m wide – nearly half the average width.

Para 6.21 (Visual Separation) further specifies that “new dwellings must have similar spacing between buildings to that commonly found on the street frontage”. We have calculated that the average separation between properties along this section of Belle Vue Road is 6.0m. As we have set out above, the separation of the proposed development from neighbouring buildings will be at best 1.1m to No.23 and 0.8m to No.25.

These policies are clearly in no way satisfied by the proposed development either in respect of consistency with the plot widths or separation distances prevailing in the area.

### **Overshadowing**

The side wall of No.23 has windows at both ground floor and upper floor levels and the proposed development will overlook these windows, will impinge on the available natural daylight to these rooms and will be intrusive and overbearing in terms of the quality of the view from these windows – in contravention of Para 6.4 of the SPD Backland and Infill Development on daylight and overshadowing.

For understandable reasons, no representation on this matter is likely to be received from the owners of No.23 as we understand that they are in the process of selling the house and its plot (within which the new development is proposed) to the applicant (subject to the latter securing planning permission).

### **Access for Maintenance**

A separation of at most 80cms between the proposed development and No.25 (as specified in the submitted plans) will be insufficient to allow us access for the maintenance of our property (which may from time to time be required): eg for reroofing, repointing, guttering, underpinning, and access to the bathroom extractor fan outlet in the middle of that wall. This separation may be even less when the overhang of eaves and gutters are taken into account and less again given, as we have indicated above, that there is significantly less space between the two properties than is shown on the submitted plans. This fails to “protect the amenity of neighbours” as required by Para 8.18 of the Supplementary Planning Document on Backland and Infill Development.

## **Microclimatic Effects**

The prospect of a new building so close to ours also gives cause for concern in terms of damp retention and penetration into both properties and the creation of a 'wind tunnel' effect between the two. This is contrary to Policy DP12 of the Adopted Local Plan which requires development to avoid "adverse microclimatic effects".

### **1b. Impact on the Street Scene**

The proposed development is out of character with its setting on Belle Vue Rd contrary to Policies H2, DP1 and DP12 of the Adopted Local Plan and policies in SPD Backland and Infill Development (paras 6.18 et seq) as follows.

Policy HS2 Housing Density requires development to "relate to the context...enhance local character...ensure that densities are compatible with the surrounding townscape... ..be informed by...the character of the area, and the mix of housing". The covering notes to the Policy explain that "densities therefore need to...reflect local character". We contend that the present application attempts to address none of these considerations but is actively harmful to local character.

Furthermore, Policy DP1 Design and Amenity requires all development to "respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features." Again we maintain that the current application fails to respect these aspects of its context and surroundings.

### **The Character of the Area**

Belle Vue Road is a street of considerable character. Its defining features are:

- i. large detached or semidetached houses of various ages and designs
- ii. each with mature front gardens, bounded by mostly brick walls
- iii. generous gaps between individual properties and
- iv. with rooflines generally running parallel to the street.

The proposed development between No.23 and No.25, is completely out of character with this setting:

- i. In addition to the much smaller than average plot width and separation distances from neighbouring buildings as detailed above (each of which is a component of 'local character'), the width of the proposed property will be 6.3m (against the streetscape average for detached properties of 10.4m).
- ii. The proposed development will have no front garden (the submitted plans show off-road parking for two vehicles in front of both No.23 and the new house).
- iii. This vehicular access will entail the removal of much of the front garden wall in front of both properties; and
- iv. The roof line will be perpendicular to the street not parallel.

New housing development is supposed to "enhance local character" (according to Adopted Local Plan Policy H2 (Housing Density)) but this proposed development substantially erodes it. New parking is supposed to be "provided in a visually acceptable manner" (according to Adopted Local Plan Policy DP12 (Dwelling Standards)) which this proposed development manifestly fails to do.

### **The Alpine Chalet Infill**

The striking exception to the characteristics of Belle Vue Road in the vicinity of No.23 is the recent infill property at No.19a which was granted planning permission in 2005. This property is viewed by many locals (sometimes angrily) as a significant blot on the quality and character of Belle Vue Rd and has been mentioned in other objections to this application.

No.19a has been excluded from the analysis we have made of the local character of the Belle Vue Road streetscape as an anomaly. It sits conspicuously at odds with the character of the streetscape:

- i. It has an alpine chalet style appearance.
- ii. A short section of wall at the front is all that is left of the once complete garden wall, which has been removed to enable a shared access to off-road parking with No.21.
- iii. The front garden of both properties has been completely hard surfaced to enable off-road parking.
- iv. The new property sits perpendicular to the street.
- v. The width of the plot on which it sits is 7.6m (against the streetscape average of 14.1m)
- vi. The total width of the house is only 5.8m (against a streetscape average of 10.4m); and
- vii. Its separation from neighbouring properties is only 2.5m to No.19 and 1.8m to No.21 (against the streetscape average of 6.0m).

Importantly the decision on this application was made before the change in Government policy on housing infill set out in the letter to local planning authorities from the Chief Planning Officer dated 19 January 2010 'Development on Garden Land'. This letter specified, in the context of gardens being treated thereto as brownfield and therefore a priority for development, that local planning authorities "can, if appropriate, resist development on existing gardens." The letter goes on to explain that creating higher densities can have "a negative impact" which is a key aspect of "maintaining the character of an area".

This policy change was reflected in SPD Backland and Infill Development which was updated in December 2010.

Consequently the development at No.19a should not be taken as any sort of precedent in relation to the present application.

But No.19a does serve as a cautionary indication of how the proposed development between No.23 and No.25 could cause significant harm to the character of the street scene, not least when one notes that the proposed development is a significantly wider property than No.19a, and in a much smaller gap!

## **2. The Quality of the Submitted Drawings and Details**

We are concerned that the plans submitted with this application misrepresent the layout and scale of neighbouring properties in such a way as to cast the proposed development in a more sympathetic light. For example:

- (i) The initial plan did not show the side extension to our house (No.25) such that the proposed development appeared to be over 4m away from our house (rather than 80cms). When we pointed this out, a revised drawing was submitted.
- (ii) We have since calculated that the submitted drawing exaggerates the depth of our house, suggesting it is 9.0m from front elevation to rear. In reality it is only 8.0m. However this exaggeration enables the applicant to apply for a 9m deep house on the neighbouring plot (which will in fact extend beyond the back of our house) whilst giving the appearance on the submitted drawings that the front and back elevations of the new development will be more or less in line with those of the existing properties.
- (iii) Furthermore, as explained above, the drawing shows a gap of 9.1m between the existing No.23 and our property. This enables them to propose a new development of 6.3m width, with 2.0m between it and No.23 and 0.8m between it and No.25. In reality the gap is only 8.2m.

We are in no way suggesting a deliberate attempt to confuse or mislead the Council but the lack of care evident in the preparation of this application means that the Council is being invited to approve something which is unclear and which is physically undeliverable because there isn't enough space between the existing properties to accommodate what is being applied for.

In addition, the three sets of drawings so far submitted are all entitled "Existing and Proposed Site Plans and Indicative Elevations" but the 'indicative elevations' have been removed from the second and third iterations. It is not clear why these have not been updated alongside other changes such as the turning of the roofline through 90o (as shown in the second revised drawing) to make it perpendicular to the street and at odds with the neighbouring properties at each side. We can only surmise that the applicant had by this point realised that it is not possible to design any sort of property which will fit into this space and at the same time reflect and enhance the character of the street scene as the Council's policies clearly require.

## **3. The Potential for Development at this Site**

Finally, we would like to make it clear that our position is not that we object to any form of development at this location. A sensitively designed development (for example as an extension to No.23 continuing the existing roofline and replicating the existing bay windows with some internal redesign to create two semis) would be entirely possible and could enable an additional residential unit to be created here without damaging the street scene and setting, whilst also maintaining a suitable spacing with the neighbouring properties.

We would cordially invite the Borough Council to consider the representations we have made. Should the application come before Committee for determination, we would be pleased to appear to speak to our evidence and to answer any questions required.

10.4 Four original letters of objection were received which make the following points:

- The application has been submitted using a grossly inaccurate and misleading plan of the immediate setting. As a result it is not possible for consultees and other interested parties to make informed comment on the application as currently presented. Should suspend consideration until correct plans showing our constructed extension have been submitted, then reconsult.
- Plan fails to show the extension on the neighbouring property (25 Belle Vue Rd) which was built (with planning permission) in the 1980s. Thus proposed development is misleadingly portrayed as being more than 4 metres from the building on the neighbouring property when in practice the gap is only 80 cm.
- Building so close is not a good idea. Plot will be too narrow.
- Inadequate drawings- no option but to object.
- If windows on side included, there will be privacy issues.
- Will give feeling of terrace or housing estate.
- Will make maintenance on properties difficult.
- Hope it will not look the monstrosity at 19 Bellevue Road.
- Contemporary design not welcome.
- Already parking pressure.
- Rectory at 44 also has many vehicular movements associated with it.
- Vehicles should be made to park on the driveway.
- Shame to demolish front wall to get access.
- Concern about inconvenience from construction work.

10.5 Four more letters of objection were verbally reported to the Committee, making the following points:

- The revised application seems to share many of the same problems with the original application. Building would be located very close to the neighbours, giving a "terraced" feel to the block. The building would be relatively close to the street, not only reinforcing the overbearing terraced feel but also blocking a very nice view out toward the horizon across the street.
- Application seems to include a bricked in parking area in front and loss of garden wall. The gardens in the fronts of the houses along Belle Vue Road are a feature: it would be a shame to lose this "garden feel" since it is characteristic of the street.
- The plot is very narrow for the conceived building and the parking requirements make an additional house untenable within the "garden feel" of the street. 800 mm gap between it and the adjacent property (number 25) severely restricting access for maintenance in the future.
- Concerns about the planned provision for off-road parking for both the existing and proposed new building, two vehicles on each would create an open car-park effect which is inappropriate and undesirable, and any alternative leads to likely on-road parking
- Belle Vue Road is a main bus route and any additional on-road parking will increase the problems that buses experience in negotiating an often congested road.
- Support the views put forward by neighbours in their input to the planning process. The issue is not one of objection in principle – it is to the totally disproportionate scale of the proposed development which is of concern, coupled with the obvious slipshod approach which has led to the errors in plans initially submitted.

10.6 3 more letters of objection have been received since the last Committee Meeting and these reiterate the previous objections. Additional points made are as follows:

- No further contact made by agent to discuss amicable solution with neighbours.
- Plans remain ambiguous and inconsistent- gap exaggerated to 8.8 m.
- New property will project beyond rear elevation of our house.
- Contrary to the Infill SPD.
- Bay window on the upper floor will project nearly a metre forward of our bedroom window, stealing our light and privacy.
- My family will become overlooked, including through our bi-fold doors. Screening by trees cannot be relied upon as trees can be felled.
- Entirely support all the objections listed to date with regard to this proposed development. It is entirely unsuitable, too large (and inaccurately planned) for the space available, and at odds with the character of the road. The planned building would be ridiculously close to the existing neighbouring properties, compromising light and privacy in both cases.

10.7 One letter of support has been received which makes the following points:

- Welcome the house. Need more Council tax payers in this village if we are to fix the roads.
- Issues to do with parking can be solved through sensibly parking, and/or having double yellow lines/parking spaces painted on the road. Alternatively, residents could just use their driveways to park.
- As long as building stays within boundaries of the property, let them do what they like.
- Look forward to seeing a new and hopefully architecturally interesting building on this street in the near future.

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

11.1 Two spaces for the proposed dwelling and two for the existing dwelling.

## **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 Development Team and 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 (S106) of the Town and Country Planning Act 1990.

## 15.0 Report

### Principle

- 15.1 As the site lies within the physical limits of Wivenhoe, the proposal should be judged on its development control merits having regard to issues such as the size of the site, parking provision, impact upon neighbouring residential amenity and upon highway safety.

### Layout and size of plot

- 15.2 In this case it is considered that the site is large enough to be able to satisfactorily accommodate a dwelling without it appearing cramped or detracting from the character of the street scene and surroundings. **Illustrative front elevation and layout plans have now been submitted that demonstrate this, showing a dwelling with a hipped gable that is similar to other properties in the street.** With an 8 metre plot width, a dwelling with **such** a gable facing the road would be in keeping with other similar properties and their relationships to adjacent properties in this road. There is a similar arrangement adjacent to number 25. In the case of the current application site it is considered that a property that relates to the style and character of the existing adjacent properties could be accommodated on this site without undermining the character of the area. There would be enough of a gap either side of the property to allow the dwelling to read as being detached, particularly as it would have a gable facing the road. The neighbour’s extension has now been plotted on the block plan. Details of the scale and design of the dwelling would need to be agreed at the Reserved Matters Stage. It is not considered the proposal would contravene the provisions of the Wivenhoe Village Design Statement.

### Impact upon neighbouring residential amenity

- 15.3 It is not considered there would be a significant impact upon neighbouring residential amenity from overbearing impact, loss of light or overlooking. A property could be satisfactorily positioned on the site that would not need to project beyond the rear walls of the neighbouring properties. This would therefore avoid loss of light to their rear elevations. Any side openings can be assessed at the Reserved Matters stage and controlled by condition, thereby ensuring no loss of privacy from views from side windows.

### Parking and highway safety

- 15.4 Two parking spaces would be provided for the proposed property and the existing property and this would meet the required parking standards. The provision of parking in front of the existing number 23 would entail the removal of some front walling and creation of hard surfacing. The existing wall is low and does not have any particular historic importance. The extent of hard surfacing can be controlled so that some soft landscaping either side of the parking spaces would be retained.
- 15.5 As the proposal allows for car parking provision on site that meets the current parking standards, it is not considered the proposal would add to parking pressure in Belle Vie Road.

### Other

- 15.6 Adequate private amenity space would be provided to the rear of the property. Indeed the new dwelling and existing dwelling would both have rear gardens that would be substantial in length.
- 15.7 There would be no impact upon significant vegetation from the proposal and no impact on wildlife.

## **16.0 Conclusion**

- 16.1 It is considered that the site is large enough to satisfactorily accommodate an appropriately designed and scaled dwelling without there being detriment to the character of the street scene or to neighbouring residential amenity or highway safety.

## **17.0 Recommendation**

- 17.1 APPROVE subject to the following conditions:

## **18.0 Conditions**

### 1 - \*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 ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE 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. 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 - 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 - 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 BVR-OP0001 C (excluding the dwelling position, which is a reserved matter).

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

### 5 – Parking Laid Out Prior to Occupation In Accordance With Plan

Prior to the first occupation of the development hereby permitted, 2 parking spaces 5.5 x 2.9 metres per dwelling shall have been laid out within the site in accordance with the approved plan IVR\_OP\_001 C. The approved parking spaces shall thereafter be maintained free from obstruction and available for parking use at all times.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied.

### 6 - No Unbound Surface Materials

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.

### 7 - Vehicular Visibility Splays

For the existing access points the current vehicle visibility splays shall be permanently retained, and the new access point shall match the existing visibility splays and be provided prior to first occupation of the dwelling and thereafter retained as such.

Reason: In the interests of highway safety.

## 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.

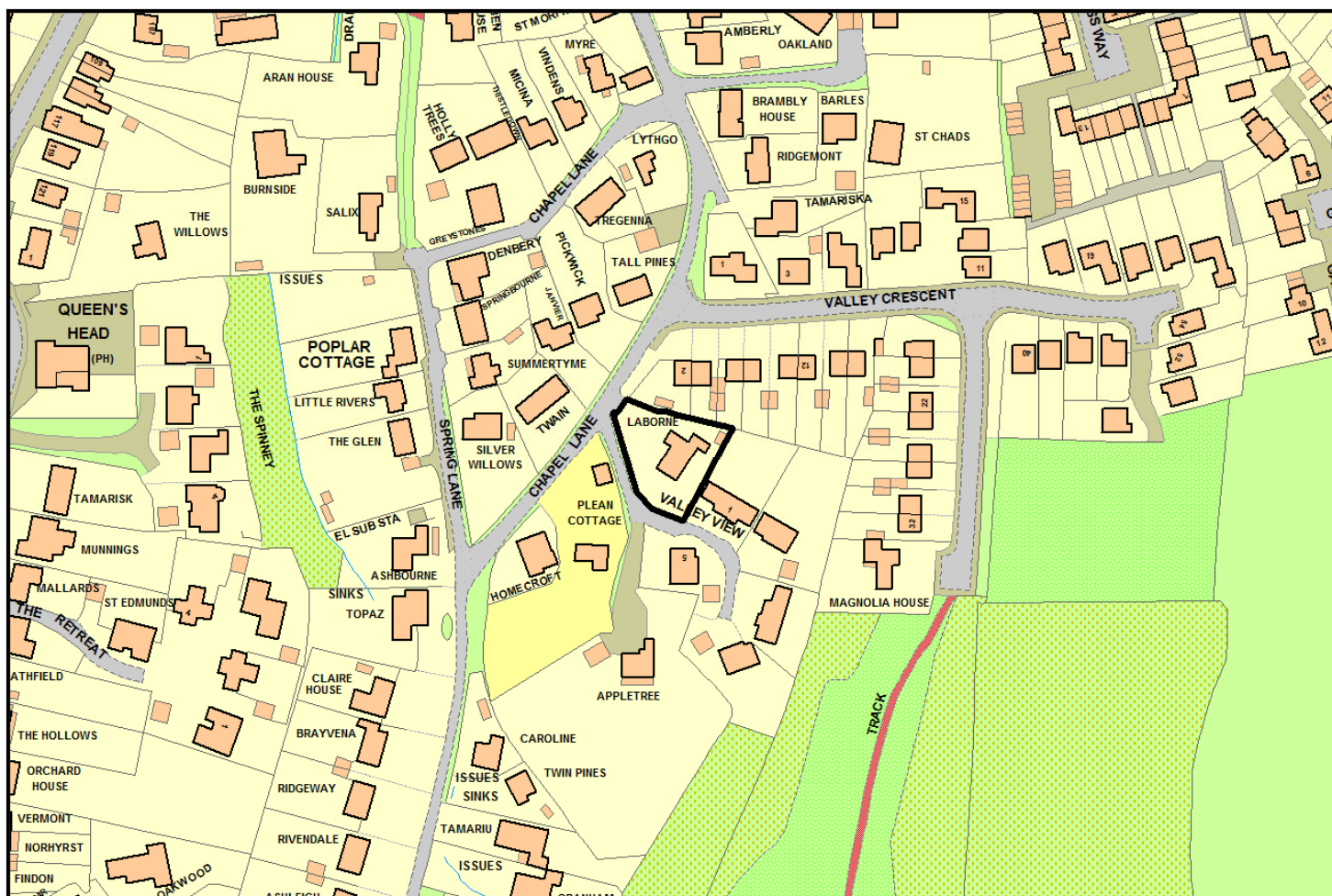
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

### (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**

- 20.1 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.



**Application No:** 161181

**Location:** Laborne, Chapel Lane, West Bergholt, Colchester, CO6 3EF

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

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**7.2 Case Officer: James Ryan**

**Due Date: 31/08/2016**

**Site:** Laborne, Chapel Lane, West Bergholt, Colchester, CO6 3EF

**Application No:** 161181

**Date Received:** 12 May 2016

**Agent:** Dean Jay Pearce Architectural Design

**Applicant:** Waterson Homes Ltd

**Development:** Proposed development of 2no two-storey dwellings, associated garage/stores & associated works including upgrading of existing vehicular access (Following demolition of existing dwelling).

**Ward:** Lexden & Braiswick

**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 was called in by Cllr Willets for the following reason: The application appears to contravene policy DG7 of the West Bergholt Village Design Statement namely that the proposed development in out of proportion with existing properties. While not opposed in principle to development of the site, the proposal must comply with the policies of the VDS.

## **2.0 Synopsis**

- 2.1 The key issues explored below are the principle, the scale and the design of the development. The impact the scheme will have on neighboring amenity is also assessed. On balance the scheme is held to be acceptable and therefore an approval is warranted.

## **3.0 Site Description and Context**

- 3.1 Laborne is a detached bungalow located off Chapel Lane in West Bergholt. It is of limited architectural merit but is 'of its time'. It sits on a relatively spacious plot and has a well-manicured garden. There is a well maintained conifer hedge on the eastern boundary. The plot slopes to the south and east down towards the garden of 1 Valley View, one of the detached houses in a cul-de-sac of similar dwellings. Pairs of semi-detached dwellings sit to the north of the site on Valley Crescent. A scheme approved by Members at Homecroft sits to the south west.

## **4.0 Description of the Proposal**

- 4.1 The demolition of the existing bungalow and the construction of two detached four bedroomed dwellings are proposed along with garages, a parking area and private amenity spaces to the rear.

## **5.0 Land Use Allocation**

- 5.1 The land sits within the settlement development boundary of West Bergholt.

## **6.0 Relevant Planning History**

- 6.1 There is no planning history on the site relevant to the scheme.

## **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  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
UR2 - Built Design and Character  
PR1 - Open Space  
TA5 - Parking  
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

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  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP25 Renewable Energy

- 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  
Sustainable Construction  
Open Space, Sport and Recreation  
Extending Your House?  
The Essex Design Guide  
External Materials in New Developments  
Cycling Delivery Strategy

- 7.6 Village Design Statement

West Bergholt has a village design statement which is also relevant to this scheme.

## **8.0 Consultations**

- 8.1 In-house Urban Design: I would support the application which appears well designed in response to the local area and immediate context, subject to reassurance over certain (missing) details (e.g. sub-cills) and any key materials the case officer sees fit to condition.
- 8.2 Environmental Protection: No objection subject to condition regarding hours of work and unexpected contamination.
- 8.3 Highway Authority: No objection to the scheme subject to conditions.

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 The Parish Council commented as follows:

*Many of the Parish Council's initial concerns regarding the development's layout and density have now been addressed. However, it still contravenes the CBC approved Village Design Statement, DG7 the proposals are out of proportion with existing properties. As this indicates the Parish Council still has concerns regarding the height and the impact of the buildings on the neighbouring properties along the street, specifically the recently approved bungalow development at Homecroft.*

*The Parish Council also has concerns regarding existing surface water run-off that currently affects No.1 Valley Crescent during heavy rain. The PC would like to see a condition to ensure any new development incorporates large SW storage tanks to prevent further SW flooding, also all hard paved areas on site are to be permeable.*

## 10.0 Representations

10.1 21 objections were received. It is beyond the scope of this report paraphrase them all and they can all be read in full on the online system, however in summary these objected to the scheme on the following grounds:

- Scheme does not comply with the VDS.
- Scheme amounts to overdevelopment.
- Scheme is not modest, it is two, four bedroom dwellings.
- The dwellings are too large.
- Bungalows for downsizing are what is needed for large houses.
- The proposal is incongruous.
- The proposal does not sit comfortably in the street-scene.
- Scheme is harmful to neighbouring amenity in terms of loss of light, oppressiveness and overlooking.
- Scheme is harmful to the interests of highways and pedestrian safety.
- The site is on a blind bend.
- The residents will end up parking on the road.
- There is no footway along this section of the road.
- Off-street parking for six cars would result in a great deal of vehicle movements and the road cannot take it.
- The Homecroft scheme is opposite.
- The amendments have made no difference to the scheme.
- The proposal is too high density.
- The site slopes which will cause run off issues.
- This will cause the loss of views.
- The current bungalow should be updated and retained.
- Chapel Lane is 'a lane' and it has had enough development and plot subdivision. Enough is enough.
- The scheme will be urban in its layout.
- Plot 2 is too close to the side boundary.
- How will contractors park during the build phase?

### *Officer response:*

*The issues raised have been carefully considered. The compliance with the VDS including the level of development, the scale, massing, design and impact on neighbouring amenity are set out in the report. There is no policy reason to require bungalows for downsizing – all type of houses are in demand nationally. The renovation of the existing bungalow may be preferable to some of the residents but it would not provide a new dwelling on site as this scheme will. The scheme has not generated an objection from the Highway Authority and therefore it is held to be acceptable in that regard. Planning does not seek to protect views. Parking during the construction phase will be dealt with the Construction Management Statement Condition.*

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

- 11.1 The scheme provides two parking spaces per dwelling that accord with the adopted standards. Further to this there is potential for more parking on the frontage and there is also one garage per dwelling that meets the adopted internal standards of seven metres by three metres. Therefore this scheme exceeds the requirements of the adopted standards.

## **12.0 Open Space Provisions**

- 12.1 The two dwellings have 155 square metres and 125 square metres of private amenity space respectively to the rear which is significantly in excess of the adopted standards. The scheme generates no further open space requirements.

## **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 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 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design and Layout:

- 15.1 As originally submitted this scheme proposed a more contemporary design. Officers felt that the original scheme did not constitute a high quality design solution and the mass and layout constituted cramped development.
- 15.2 The agent then submitted an amended scheme which is before Members now. The two dwellings have been marginally scaled back in size and have been pulled away from each other to reduce the cramped appearance and increase the sense of visual spaciousness.
- 15.3 The design has been amended to a pair of dwellings with more visual interest and more potential for high quality detailing. It picks up on some of the features of the older houses in the area, with slack pitched slate roofs, timber sash windows and brick arches. Plot two has a first floor feature window on its publically visible flank. The in-house Urban Designer has asked for a condition to further increase the level of detail – for example to deal with the window cills. On that basis it is held that the two dwellings proposed will be of a design quality that is acceptable in context. The distances to boundaries are also held to be acceptable.

### Scale, Height and Massing:

- 15.4 The Parish and the Ward Member are of the opinion that that the scheme fails to comply with the adopted Village Design Statement as the proposals are out of proportion with existing properties and therefore fail to accord with VDS statement policy DG7.

The policy states:

*Buildings must be in harmony with the surroundings in respect of materials, colour, texture, proportion and scale. There is a fine balance between preservation and progress.*

This has been considered in some detail. It is not held that this scheme is out of proportion in terms of scale, height and massing. The two dwellings are designed to be attractive buildings in their own right. They have not been designed to 'shy away'. They are not considered to be out of scale with the neighbouring development particularly when considering the large detached dwellings that make up Valley View. This scheme is design to provide and attractive gateway to this cul-de-sac and on that basis it is considered to accord with both the VDS and the 'Backland and Infill' SPD.

### Impact on the Surrounding Area:

- 15.5 This scheme is considered to have a positive impact on the surrounding area. The existing bungalow is of very limited architectural merit. The two proposed dwellings are well designed with interesting design features. They will preserve the setting of Church Lane which is attractive but holds no particular designation in policy terms. The scheme is therefore held to accord with adopted policy.

### Impacts on Neighbouring Properties:

- 15.6 As a change from one bungalow to two detached two storey dwellings, it is very important to assess the impact the scheme on the neighbouring dwellings. The neighbours at 2, 4 and to a certain extent 6 Valley Crescent to the north will experience a change in outlook as they are two storey dwellings that look out over the existing bungalow. They will have a view of more building form but this is not held to be materially oppressive nor will it cause materially harmful loss of light to these gardens. One small window is proposed in the north facing first floor flank of plot 1. However this serves the landing, is set back from much of the flank in the side of the projecting element which increases the level of isolation to the common boundary and can be conditioned to be obscure glazed and fixed shut in any event.
- 15.7 To the east is number 1 Valley View which is a one of the larger detached 'executive' style dwellings that make up this cul-de-sac. This dwelling has a secluded and well-hedged garden. The main sitting out area is beyond a ground floor projecting element which screens it from the view of the proposed first floor bedroom windows. The side to back distance from the first floor of the proposed dwellings to the common boundary is 12 metres, with number 1's main sitting out area being beyond their extension approximately 21 metres away. This is considered to be within tolerable limits and therefore any increase in overlooking to this garden is not held to be materially harmful.

- 15.8 It is also important to consider the impact on the recently approved bungalows to the south on the Homecroft site. The first floor side facing window in plot 2 comprises one window serving the landing and one feature half-moon secondary window serving one of the bedrooms. As these would look out over the public domain to the garden of plot 1 of the Homecroft scheme, it is considered prudent to fix shut and obscure glaze these two windows to avoid future overlooking issues.

#### Amenity Provisions:

- 15.9 Plot 1 has 155 square metres and plot 2 has 125 square metres of private amenity space located to the rear in a useable regular shape to the rear. This is significantly in excess of the adopted standards which require 100m<sup>2</sup>.

#### Highway Issues:

- 15.10 The Highway Authority has no objection to this scheme. It is therefore not held to cause material harm to interests of highway safety. The parking provision is in excess of the adopted standards and on site turning is available unlike a number of dwellings in the area.
- 15.11 The Highway Authority has requested two conditions that do not pass the 'six tests' set out in the PPG. The sustainable transport mitigation 'Travel Packs' condition is not necessary as the dwelling is located in a sustainable location and therefore this condition is not needed to make the scheme acceptable. The condition requiring the garage to be used only for the parking of cars is also not considered to be reasonable as the scheme provides off street parking in accordance with the standards without counting the garages as spaces. It is therefore suggested that these two conditions are not imposed.

#### Other Matters:

- 15.12 There are no trees on site that are worthy of retention. The simple landscaping condition will be imposed to secure the approval of a landscaping scheme to ensure the scheme is landscaped along the lines of the indicative landscaping shown on the proposed site plan. The site is not located in Flood Zone 2 or 3.
- 15.13 The scheme is proposed on a land locked site with a well maintained garden. It is not therefore considered to be likely to be suitable habitat for protected species. There is a small domestic pond on site, however in January 2016 this was emptied and fully drained and the GRP liner broken to prevent refilling so it is not considered to be suitable habitat for amphibians.
- 15.14 The Parish has noted rainwater run off issues. A condition to deal with this issue will be imposed based on this local knowledge.

### **16.0 Conclusion**

- 16.1 This scheme proposed the redevelopment of the site to provide the net gain of one new dwelling within the settlement limits. It is therefore acceptable in principle. In terms of detail it is considered to be a well-designed scheme that meets the sentiments of the West Bergholt VDS, the Development Plan and National Policy.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions:

## **18.0 Conditions**

### **1 - 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 - \*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 16/40/02/ Rev A, 16/40/03 Rev A, 16/40/04 Rev A, 16/40/05 Rev A.

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

### **3 - Materials to be Agreed**

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

### **4 - Removal of PD for All Residential Extensions & Outbuildings**

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

### **5 - \*Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)**

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), the windows in Plot 1 at first floor level serving the landing on the north (flank) elevation and the two windows at first floor level in the south (flank) elevation of Plot 2 shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

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

## 6 - Simple Landscaping Scheme Part 1 of 2

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

## 7 -Simple Landscaping Scheme Part 2 of 2

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

## 8 - Limits to Hours of Work

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

Weekdays: 08.00 - 18.00

Saturdays: 08.00 - 13.00

Sundays and Bank Holidays: not at all

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.

## 9 - Non-Standard Condition/Reason

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and the Essex Contaminated Land Consortium's "Land Affected by Contamination: Technical Guidance for Applicants and Developers".

Reason: The site lies approximately 20m from an unknown infill where there is the possibility of contamination.

#### 10 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

#### 11 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

#### 12 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

#### 13 - Surface Water Drainage into Highways

No works shall take place until details of a wheel washing facility within the site and adjacent to the egress onto the highway have been submitted to and approved, in writing, by the Local Planning Authority. The wheel washing facility shall be provided at the commencement of the development and maintained during the entire period of construction unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

#### 14 - 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.

#### 15 - Non-Standard Condition/Reason

No development shall take place until a scheme showing additional elevation architectural detailing has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details. Reason: This scheme has been amended in design terms throughout the application period and the elevations are now improved but require a further level of detail to fully comply with adopted policy including the VDS. It is suggested that the plans submitted provide more detail with regards to the design elements implied on the amended drawings, for example the brick arches, projecting brick plinth, projecting corner brickwork, window sub-cills, exposed rafter feet, string courses and leaded entrance canopy and associated supporting framework.

#### 16 - \*Smallscale Non-Residential Boundary Treatments

No works shall take place until details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first OCCUPATION of the development and shall thereafter be retained in the approved form. Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

#### 17 - 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 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.

### 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.

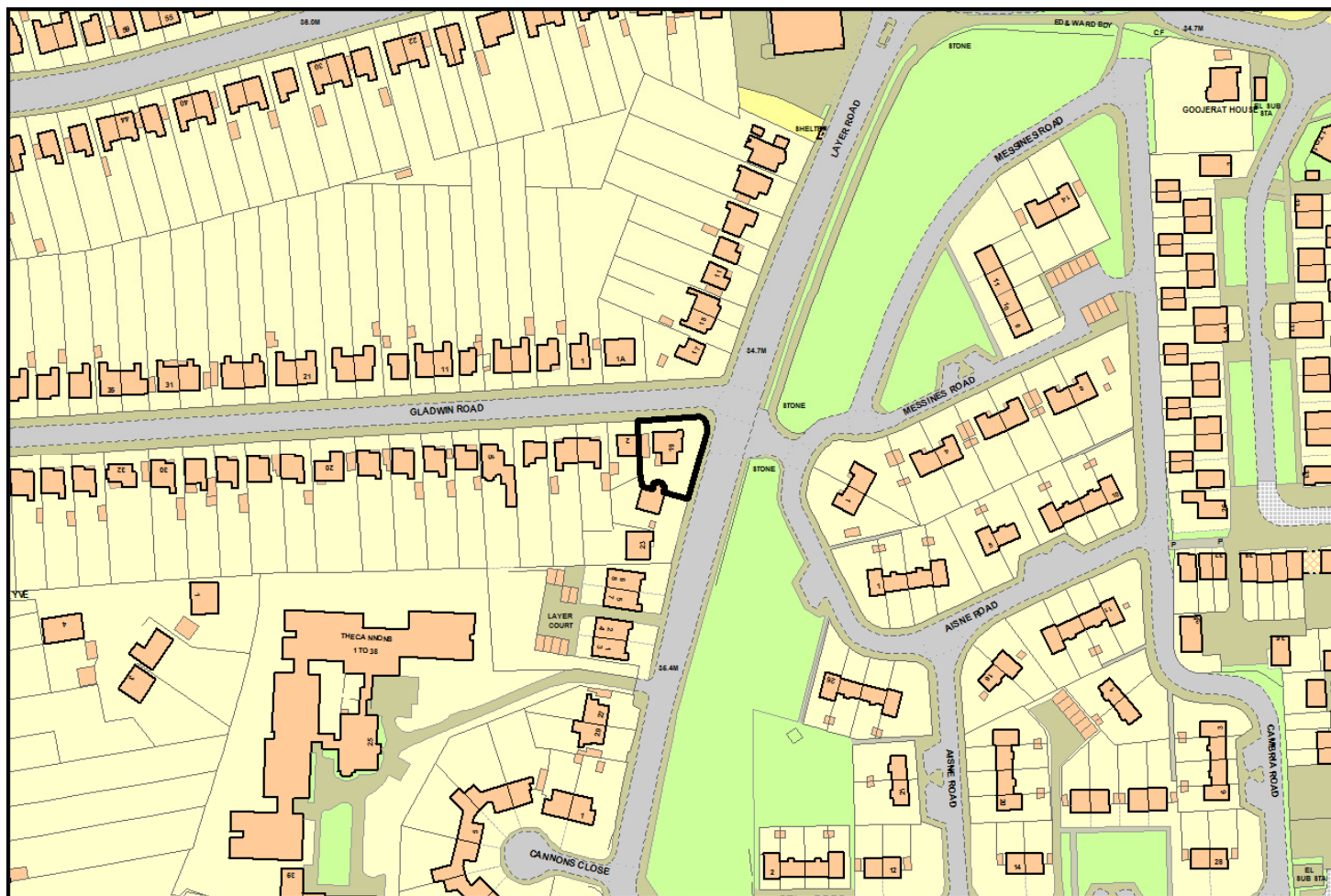
#### (3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

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## **20.0 Positivity Statement**

- 20.1 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.





**Application No:** 161913

**Location:** 19 Layer Road, Colchester, CO2 7HT

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

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**7.3 Case Officer: Eleanor Moss**

**Due Date: 15/09/2016**

**HOUSEHOLDER**

**Site:** 19 Layer Road, Colchester, CO2 7HT

**Application No:** 161913

**Date Received:** 21 July 2016

**Agent:** Tyler Surveying

**Applicant:** Mrs Caroline Lockwood

**Development:** Two storey side extension and garden wall.

**Ward:** Shrub End

**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 the agent is employed by this Council on a consultancy basis.

### **2.0 Synopsis**

- 2.1 The key issues explored below are the design of the proposed extension and its impact on the street scene and neighboring amenities.
- 2.2 It is considered that these are acceptable and approval is recommended.

### **3.0 Site Description and Context**

- 3.1 The application site is a large detached dwelling adjacent to Layer Road and Gladwin Road, occupying a prominent corner plot. The dwelling is distinctive within its location due to the decorative turret on the front elevation. The building is within a generous sized plot and is of timber windows, red brick and grey slate construction. There is a boundary wall existing on site which is constructed of brick pillars and concrete. The surrounding area is a mix of different architectural styles and materials, although largely from the mid-twentieth century.

### **4.0 Description of the Proposal**

- 4.1 This application seeks planning permission for the erection of a two storey side extension and the construction of a new boundary wall. The proposed extension measures 3.6 metres wide by 19 metres deep. This is in order to replace the existing garage and utility room and provide a music room on the first floor. The detailing is the same as the existing front elevation other than the fenestration where a dormer window is proposed. The proposed boundary wall

## **5.0 Land Use Allocation**

5.1 Predominantly Residential.

## **6.0 Relevant Planning History**

6.1 90/0936 – Change of use to a care home. Approved

## **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

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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:

- Extending Your House?
- The Essex Design Guide

## **8.0 Consultations**

8.1 None received at the time of writing. Any comments received will be reported on the amendment sheet.

## **9.0 Parish Council Response**

9.1 Non-Parished

## **10.0 Representations**

10.1 None received at the time of writing.

## **11.0 Parking Provision**

11.1 Parking in excess of adopted Parking Standards will be retained.

## **12.0 Open Space Provisions**

12.1 Not applicable

## **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 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 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design, Layout and Impact on Surrounding Area:

15.1 The simple detailing of the extension reflects the character and detailing of the dwelling. The proposed extension is designed to appear as a subservient addition and is complementary to the existing dwelling and therefore is considered to be acceptable. The design, scale and form of the proposed development are considered satisfactory on its own merits. The extended dwelling would still relate satisfactorily to the character of the street scene overall, which is varied. The dwelling would look appropriately designed and not over-scaled in this context.

15.2 The proposed side extension and boundary wall are considered to be relatively modest in size and appears to complement the existing dwelling. Although the side extension is prominent within the public realm, it is considered that the proposal would have a marginal impact overall.

### Impact on Residential Amenity:

15.3 The potential impact on the amenity of 2 Gladwin Road has been assessed using the principles set out in “Extending Your House?” for assessing amenity for rear extensions and also with reference to The Essex Design Guide. The proposal contains windows in the side elevation which will be conditioned as obscure glazed as part of any planning consent in order to protect neighbouring amenity. There is an additional window in the rear elevation. This window would bring forward the existing window by just over one metre and whilst some views into the neighbour’s garden would be possible it would not fundamentally change the existing situation. It also has to be taken into account that the site is in a residential area where there is a degree of

mutual overlooking between neighbours. The proposal is considered acceptable in amenity terms and accords with DP1.

## **16.0 Conclusion**

16.1 The proposal is acceptable; any impact upon neighbouring residential amenity would be marginal and does not raise any design concerns. Therefore an approval is warranted

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions

## **18.0 Conditions**

### **1 - 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 - \*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 799-1, 799-4A, 799-5, 799-6A and 799-7 Option 1.

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

### **3 - Materials as Stated in 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 - Non-Standard Condition/Reason**

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), the windows in the side elevation shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

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

## **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.

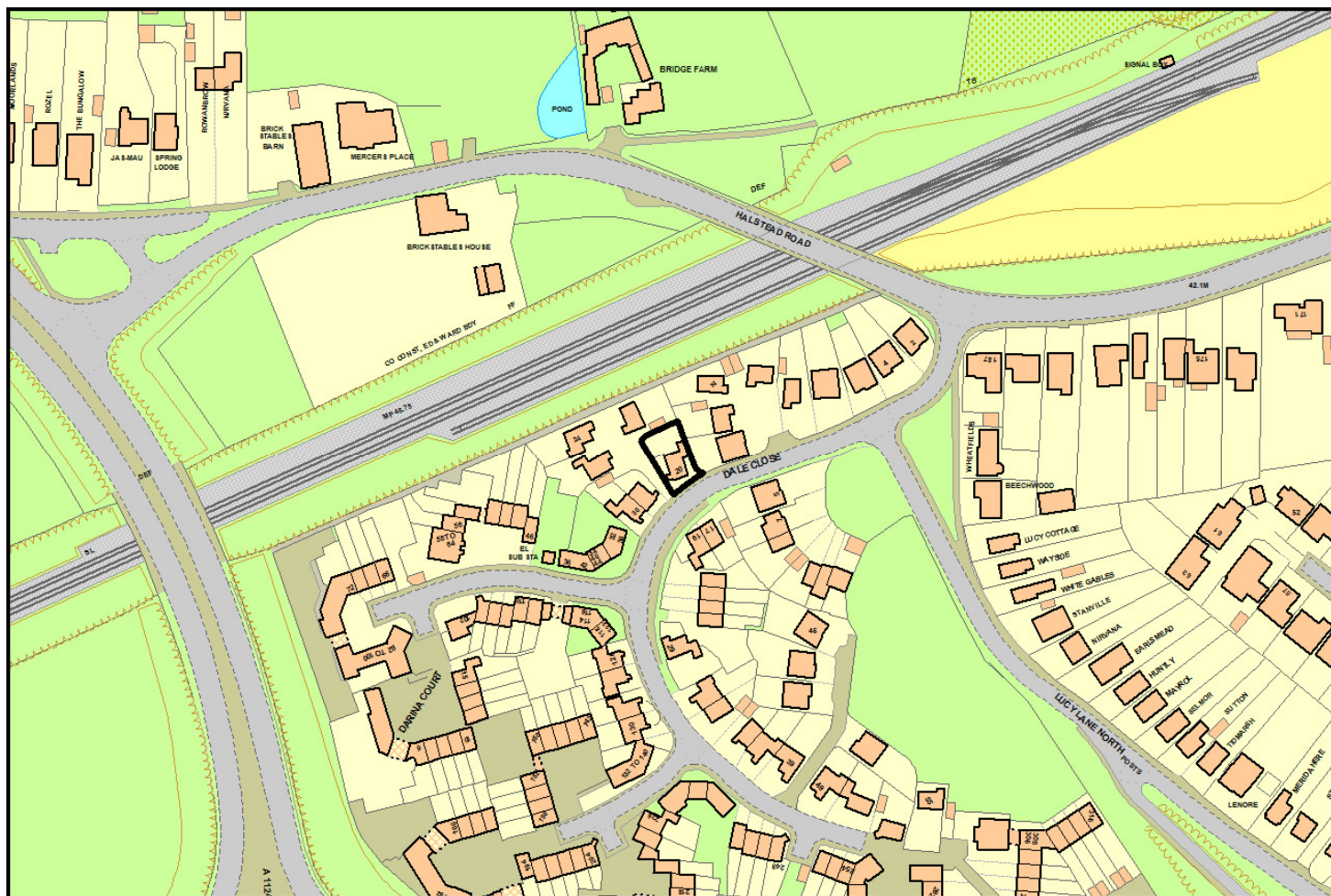
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(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**

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**Application No:** 161805

**Location:** 20 Dale Close, Stanway, Colchester, CO3 0FG

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

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**7.4 Case Officer: Bruce O'Brien      Due Date: 09/09/2016**

**HOUSEHOLDER**

**Site:**                      **20 Dale Close, Stanway, Colchester, CO3 0FG**

**Application No:**   **161805**

**Date Received:**    15 July 2016

**Applicant:**            Mrs Katie Dale

**Development:**      Two storey side extension & first floor side extension.

**Ward:**                  Stanway

**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 the applicant is an employee of Colchester Borough Council.

### **2.0      Synopsis**

- 2.1      The key issues explored below are the design of the proposal and the effects on neighbouring amenity.
- 2.2      It is concluded that these matters are satisfied and the development is recommended for approval.

### **3.0      Site Description and Context**

- 3.1      The site contains a single, detached, three-bedroom dwelling with an attached garage and front drive parking. The dwelling has an adequate rear amenity area, large enough to accommodate the development proposal. The site lies in a residential 'close' with a shared access driveway. The property has dwellings to the North, West and East, and the shared driveway is to the South. Beyond the dwellings, a railway line lies to the North.

### **4.0      Description of the Proposal**

- 4.1      The proposal is to create two new extensions. The main extension would be two storey, in the form of a side return wing with a pitched roof and a gable end. The second extension would run forwards from the new side extension, would also be two-storey and would have a small gable end facing the driveway.

### **5.0      Land Use Allocation**

- 5.1      The property lies within the settlement boundary and is not in a designated area.

## **6.0 Relevant Planning History**

6.1 There is no relevant planning history.

## **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

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP19 Parking Standards

7.4 Regard should also be given to the following adopted Supplementary Planning

- Guidance/Documents:
- Vehicle Parking Standards
- Sustainable Construction
- The Essex Design Guide
- External Materials in New Developments

## **8.0 Consultations**

8.1 None.

## **9.0 Parish Council Response**

9.1 The Parish Council have stated that they do not object to this proposal.

## **10.0 Representations**

10.1 There has been one representation, where a neighbour has shown support, stating: *"Having spoken to our neighbours to clarify the extent of this application and it being confirmed that they are not proposing to build over their garage, we have no objection to what this proposal."*

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

- 11.1 The existing parking provision will remain. The site has adequate parking for a four bedroom property.

## **12.0 Open Space Provisions**

- 12.1 Open space will not be affected.

## **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 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 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design and Layout:

- 15.1 The design of the proposal is of two pitched roof extensions, one in the form of a larger, side return wing and the other a smaller extension to the front of the return wing, above an existing porch. Both extensions have pitched roofs and gable ends. Proposed extensions are to be built to the west side of the property.
- 15.2 Complementary materials will be used, weatherboard to the top section and brick to the lower. Concrete tiles will cover the roof and fenestration will be upvc. Windows within the side elevation will be at a high level so as to prevent any risks of overlook. It is considered that the design of the proposal will not harm the character of the area or the street scene.

### Scale, Height and Massing:

- 15.3 The scheme is not considered as a significant development, merely a reasonable enlargement of an existing family dwelling house. The side return wing is subservient to, and less than half the width of the main dwelling. The property is detached from others and is not close enough to cause issues of massing or terracing effects.

### Impact on the Surrounding Area:

- 15.4 It is not considered that the scheme will have harmful or obtrusive effects on the character of the area and it will appear congruous amongst the neighbouring dwellings.

### Impacts on Neighbouring Properties

- 15.5 In terms of the amenity of neighbouring properties, the proposal does not breach any of the CBC guidelines as stated in the Essex Design Guide and the supplementary document 'Extending Your House?'
- 15.6 The proposed development is not overbearing on the outlook of neighbours.
- 15.7 Similarly, there are no concerns regarding loss of light/overshadowing. The combined plan tests of a clear 45 degree angle from the center point of the neighbour's nearest rear window are not breached and the proposal therefore satisfies the Councils standards for assessing this issue
- 15.8 Additionally, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in our policy guidance.

### Highway Issues:

- 15.9 Parking provision would be retained as a result of the scheme. The required amount of parking spaces for a four bedroom property is two, and this requirement is currently met.

## **16.0 Conclusion**

- 16.1 It is concluded that this application is recommended for approval. The design is complimentary and will not have harmful effects on the character of the area or neighbour amenities.

## **17.0 Recommendation**

- 17.1 **APPROVE** subject to the following conditions

## **18.0 Conditions**

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings entitle 20 Dale Close, Stanway numbers 1-6 of 6.

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

### 3 - Materials as Stated in 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

## 19.0 Informatives

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

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