



COLCHESTER BOROUGH COUNCIL

**SUPPLEMENTARY PLANNING
DOCUMENT**

**BACKLAND AND INFILL
DEVELOPMENT**

Consultation Draft - March 2009

BACK LAND INFILL GUIDANCE

Contents

1. Introduction	page 3
2. Policy Framework	page 4
3. Why is this Guidance Necessary?	page 6
4. Definitions	page 7
5. The Design Process	page 8
6. Detailed Requirements	page 10

1. INTRODUCTION

The purpose of this draft Supplementary Planning Document (SPD) is to provide guidance to members of the public and developers of the Borough Council's approach to backland and infill development. This document will be the subject of public consultation and any comments made will be reported to the Council before the document is formally adopted as a Supplementary Planning Document within the Borough Council's Local Development Framework (LDF).

This draft SPD does not contain any new policies but expands upon and gives guidance on existing Policies in the Adopted Review Colchester Borough Local Plan, the Core Strategy and in time new Policies in the emerging Development Policies Document. Once adopted it will be a material consideration in the planning process to which considerable weight will be attached.

In accordance with the requirements of Planning Policy Statement 1 'Delivering Sustainable Development' and the Planning and Compulsory Purchase Act 2004, a Sustainability Appraisal Scoping Report has been prepared and was sent to statutory consultees and selected interested parties in February 2009. The results of that consultation have informed the production of the Sustainability Appraisal which accompanies this document.

It is now proposed to consult on this draft SPD. The consultation period will start on 17th April and last for 6 weeks, until 29th May 2009.

The document and the Sustainability Appraisal are available on the Council's website (www.colchester.gov.uk/ldf) and at the Council Offices in Angel Court and in local libraries.

Representations can be made by email to planning.policy@colchester.gov.uk or by post to the following address;

Planning Policy
Colchester Borough Council
FREEPOST NAT4433
PO Box 885
Colchester
CO1 1ZE

If you have any questions or would like to discuss any elements of the SPD please contact a member of the Planning Policy Team on 01206 282473/6 or alternatively email planning.policy@colchester.gov.uk

All representations received will be reported to the Local Development Framework Committee and will help inform the final document. A Statement of Consultation will be published alongside the final adopted SPD and will summarise all the comments we receive.

2. POLICY FRAMEWORK

National Policy

Government advice to local planning authorities is contained in a series of planning policy guidance documents and planning policy statements. Planning Policy Guidance 3 (PPG3): "Housing" published in March 2000 categorised gardens as brown-field land, (also known as previously developed land (PDL)) and the general presumption was that the development of gardens in residential areas was acceptable. The adoption of Planning Policy Statement 3 (PPS3): "Housing" in April 2007, also indicates a preference for the use of land within existing residential areas rather than green-field sites.

However PPS3 requires a balance to be reached between achieving housing targets whilst at the same time protecting the character of an area and improving the quality and attractiveness of existing communities. PPS 3 advises Local Planning Authorities to develop their own local policies and guidance. Planning Policy Statement 1 Delivering Sustainable Development 2006 states "Good design ensures attractive, useable and adoptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. Planning authorities should plan positively for the achievement of high quality and inclusive design for all development including, individual buildings, public and private spaces and wider development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".

Regional Policy

The East of England Plan (RSS) was published in May 2008. The most relevant policy is ENV7 - Quality in the Built Environment which is concerned with requiring new development to be of high quality which complements the distinctive character and best qualities of the local area.

Local Policy

There are a number of policies in the adopted Core Strategy and saved policies in the Adopted Review Colchester Borough Local Plan which relate to new residential development. The relevant ones are listed below;

Core Strategy Policies:

- SD1 Sustainable Development Locations
- SD2 Delivering Facilities and Infrastructure
- SD3 Community Facilities
- H2 Housing Density
- H3 Housing Diversity
- H4 Affordable Housing
- UR2 Built Design and Character

PR1 Open Space
ENV1 Environment
ENV2 Rural Communities

Saved Local Plan Policies:

DC1 Development Control Considerations
P1 Pollution
P3 Development in Floodplains and Washlands
P4 Contamination
H7 Development within Village Envelopes
UEA1 Character of Conservation Areas
UEA2 Building within Conservation Areas
UEA5 Altering Listed Buildings
UEA11 Design
UEA12 Backland Development
UEA13 Development, including Extensions, Adjoining Existing or Proposed Residential Development

The emerging Development Policies Document will also relate to the layout and design of new housing in the Borough and provide more detail. The most relevant emerging Policies are:

DP1 Sustainable Development
DP9 Housing Tenure and Mix
DP10 Dwelling Standards
DP12 Historic Environment Assets
DP14 Open Space Provision for New Residential Development
DP16 Parking Standards.

Existing SPD, such as the External Materials Guide for New Development, and forthcoming SPD will further influence infill and backland development.

The adopted SPD on the Provision of Open Space, Sport and Recreational Facilities, requires financial contributions from new developments. This is achieved by way of a planning obligation that must accompany any application for new residential development. SPD's requiring contributions for community facilities and affordable housing are also being prepared. You are advised to check the Council's website at the time you make a planning application to establish the level of contributions you will be expected to make.

Further information on existing SPD is available on the Council's website www.colchester.gov.uk. The website is updated regularly to include new SPD and other changes to the planning system.

3. WHY IS THIS GUIDANCE NECESSARY?

There has been much local concern expressed about some examples of backland and infill development. Whilst both types of development have a useful role to play in delivering housing targets for the Borough they also have the potential to create significant adverse impacts on the local communities and on individuals where they are located. Adverse impacts can include the following:

- Loss of amenity, overshadowing, overlooking
- Loss of sunlight/ daylight
- Noise
- Loss of green links/ trees /hedgerows/vegetation
- Visual intrusion
- Loss of space between buildings
- Loss of parking
- Multiple long driveways serving a single property
- Difficulties with recycling and waste collections/bin storage

There are examples in the Borough of infill and backland development that at the time was deemed acceptable. However recent government advice in PPS1 and PPS3 indicates a change in policy emphasis and the recognition that new development should reflect the character of its setting and improve local distinctiveness. New development cannot therefore just mirror existing examples of recent development (last 10 years). Not all gardens or previously developed land (PDL) will be acceptable for residential development. For example in some areas large gardens will be the defining character and in these areas backland and infill development will normally be resisted.

The objectives of this guidance are therefore to ensure:

- Backland and infill development respects and reflects the character of the area
- Comprehensive development is planned
- Safe and attractive residential layouts are promoted
- Local distinctiveness and identity are promoted
- Environmental impacts are minimised.

In the past backland development has often involved only a small parcel of land or tandem development and infill proposals have resulted in the development of corner plots. These forms of development all give rise to particular adverse impacts which this guidance seeks to address: they are discussed in detail in the following paragraphs.

Comprehensive development/site assembly

Land suitable for backland development may be in multiple ownerships. This may mean that not every parcel will come forward at the same time. Proposals must therefore demonstrate that the proposed development is of an acceptable size and that undeveloped parcels would not be landlocked or prejudiced. A comprehensive scheme removes the need for multiple entrances to small unconnected parcels, which collectively may have a negative impact on highway safety and visual amenity. A comprehensive

approach will also create benefits for the social and physical infrastructure of the area. Applications for piecemeal development will not be acceptable

Tandem development

A tandem development is where a new dwelling is placed immediately behind an existing dwelling. Such proposals frequently cause problems such as overlooking, overshadowing of neighbouring gardens, noise (including from car movements), loss of amenity and adverse impact on local character. The Council will normally resist such proposals.

Corner plots

Corner plots create particular issues as they often have only limited depth. To overcome issues of privacy and overlooking single storey buildings are often proposed, which do not reflect the prevailing form of development. The development of corner plots can also result in the loss of green space and have an adverse impact on the visual amenity of the locality.

4. DEFINITIONS

Definition of Backland Development

Backland is usually defined as development on land behind the rear building line of existing housing or other development, and is usually land that has previously been used as gardens, or is partially enclosed by gardens. Not all backland development is surrounded by residential, or proposed residential development. It often has little or no frontage onto a public highway. A proposal for backland development may also include infill development. The more acceptable forms of backland development are those which include infill development on the road frontage.

Definition of Infill Development

Infill development involves the development of a small gap in an otherwise built up frontage. It usually consists of frontage plots only and often comprises side gardens of existing houses.

5. THE DESIGN PROCESS

All outline and full planning applications for residential development have to be accompanied by a Design and Access Statement (DAS). The DAS should inform the design approach. Government Circular 01/06 (Communities and Local Government) Guidance on Changes to the Development Control System sets out the requirements for a DAS. The circular states “Design and Access Statements help to ensure development proposals are based on a thoughtful design process and a sustainable approach to access; they allow the applicant to explain and justify their proposals; and help all those assessing the application to understand the design and access rationale that underpins them. Statements should improve the quality of proposals. Developments that are not based on a good understanding of their local physical, economic and social context are often unsympathetic and poorly designed and can lead to the exclusion of particular communities. A major part of a design and access statement is the explanation of how local context has influenced the design”.



Applications that do not include a detailed DAS will be returned or the application refused planning permission.

The starting point for designing a new residential development is to assess the existing local surroundings. Even when proposals will not be visible from the public view they should be designed to complement the locality in which they are located. Not all infill or backland development must be a pastiche of existing buildings. The Council will consider contemporary design on its ability to respond positively to the site constraints and whether it makes a positive contribution to the surrounding area.

A backland or infill development should make a positive contribution to the character of the existing locality. If a proposal fails to complement or enhance the local area in terms of design, materials, layout and density planning permission will be refused.

The design process usually follows five key stages

1. Undertaking a character appraisal
2. Developing the layout concept
3. Developing schematic designs
4. Detailed design
5. Implementation and review

Applicants for new residential developments are encouraged to follow this process. The Council promotes pre-application discussions. (NB in April 2009 the Council will be introducing charges for pre-application advice further information can be found on the Council's website www.colchester.gov.uk). A DAS should be prepared at the pre-application stage.

Undertaking a character appraisal

A character appraisal will be required to inform the housing development and should be included in the DAS. The level of detail in the appraisal will depend upon the nature of the site and surroundings and the scale of the development proposed. An appraisal can include text, photos, diagrams, plans and sketches to present information. Designers need to consider the characteristics of the surrounding neighbourhood, so that the development can reflect or improve on that character.

Character Appraisal Checklist

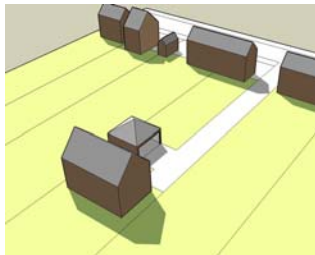
- Is there a strongly defined character? What is it?
- How big are plot sizes and what are their shapes?
- What proportion of the plot is developed?
- Are buildings stepped or set back from the street or in continuous straight building lines?
- How big are front gardens?
- What is the height of buildings?
- Are buildings terraced, semidetached or detached?
- What is the size of spaces between buildings?
- What is the massing of buildings?
- What shape and type of roof is prevalent?
- What is the roofscape like? Are there defining features such as chimneys?
- What is the colour and texture of materials are they natural or artificial?
- What is the pattern of fenestration? What types of windows are used?
- What architectural features, ornamentation or detailing is there, for example porches, dormer windows, bay windows, quoins, plinth, string courses, stone lintels or cills?
- What are the parking arrangements how many parking spaces or garages do properties have?

- What is the boundary treatment?
- Are there any landscape features trees/hedges?

6. DETAILED REQUIREMENTS

Comprehensive development

The application will need to demonstrate that consideration has been given to all the land that has potential for development including land outside the ownership/control of the applicant. The layout must demonstrate how the additional land can be developed and that its future development will not be prejudiced. The access will need to be of a standard suitable to serve a comprehensive development with provision within the layout to extend the access to serve all the additional land. Applications which are for piecemeal development or do not satisfactorily demonstrate how a comprehensive development can be achieved will not be acceptable.



An example of piecemeal, tandem development that would not be acceptable.

A similar site with an accumulation of parcels, showing how comprehensive development can be achieved in phases.



A suitable site and the phases of comprehensive backland development

Architectural features and building materials

The developer will need to have an understanding of the building elements and architectural features that characterise an area to be able to design a scheme that sits in harmony with it. Doors, windows, bays, porches, roof forms, brick details are all key building elements in an area that create a sense of place and an area's identity. Building materials are also important. The type, colour and texture of materials should usually complement those in the wider residential area. Vernacular Essex materials will normally be required where the existing area has no predominant or poor materials.

Plot size

The proposed building plot/s should be of similar dimensions in size and shape to the existing plots in the immediate locality. Proposals that would lead to over-development of a site or the appearance of cramming will be resisted. Proposals should seek to make the optimum use of the land available for development and unless local factors dictate otherwise should achieve the housing densities set out in Policy H2 in the Core Strategy.

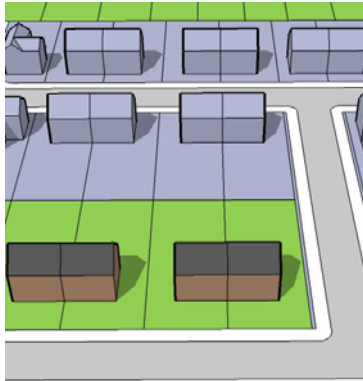
Daylight and overshadowing

Backland and infill development may adversely affect neighbouring properties if the development seriously reduces the amount of daylight available through windows or obstructs the path of direct sunlight to a once sunny garden or window. Blocking direct sunlight from reaching neighbouring properties can cause overshadowing. Overshadowing is governed by the topography of the site and the size, position and orientation of the development within it. Overshadowing is more likely to occur when taller buildings are positioned to the south of smaller buildings, in the late afternoon and early evening and times when the sun's path is low (winter). The Council will assess the effect the proposal will have on the amount of daylight and overshadowing neighbouring properties will receive. Developers may be requested to submit a sun path analysis to ensure that development does not seriously affect a neighbour's daylight or outlook. The Essex Design Guide for Residential and Mixed Use Areas and adopted SPG Householder Guide set out minimum standards; however where the existing spaces between buildings exceed these standards greater distances will be required. Where infill and backland development is proposed in an area where plot sizes are smaller and/or gardens shorter and buildings are close together the new development will be expected to comply with the requirements of the Essex Design Guide and other adopted guidance. The Essex Design Guide is available from Essex County Council and can be viewed on the following website <http://www.the-edi.co.uk/?section=publications>

Layout and street scene

The layout should create a sense of place and integrate well with existing development. The site layout should reflect the original development of the area. This is particularly important in older established residential areas where there is a uniform plot layout and street scene. There may be some scope, in larger backland schemes, to introduce a mix of housing types. In circumstances where a site is to be cleared the established street scene needs to be respected and the house(s) on the frontage should face the

original frontage and be similar to adjacent properties in terms of height, scale, massing, siting and appearance. Respect for established building lines is a key consideration when assessing a development's impact on the street scene. Developers may be requested to submit mock street scenes or visualisations to show how the development will fit into the street.



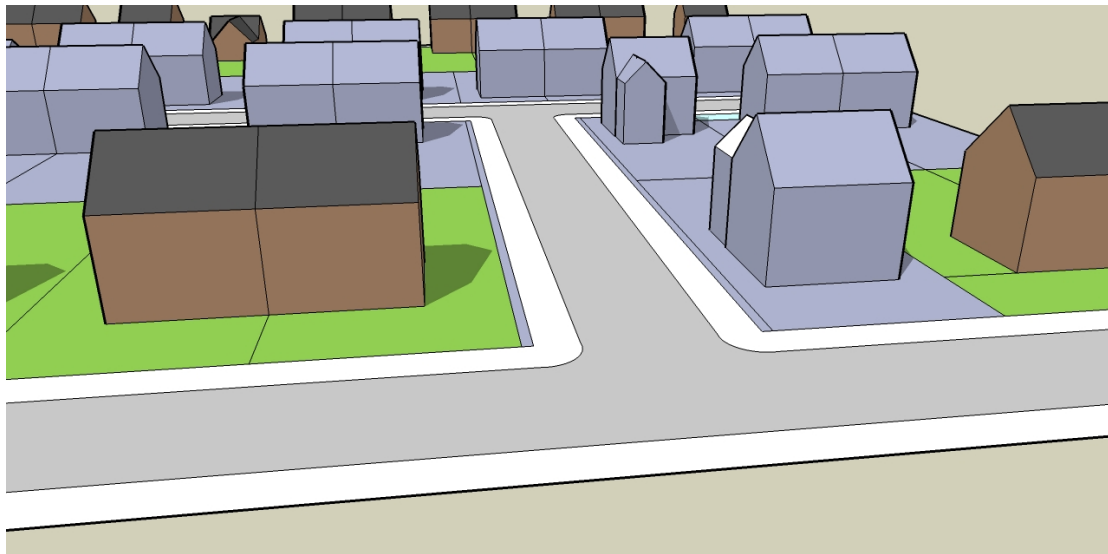
New houses (in blue) reflecting the style and layout of the existing homes.

Access and parking

Access should not dominate the existing street scene. In certain circumstances where a site is visible from the public highway a focal building which is also visible from the public highway may be required. Access by vehicles or pedestrians should not cause an adverse impact on the amenity of adjacent residents these impacts can include noise, vibration, impacts on road safety and visual impacts. Access arrangements that will result in significant nuisance to the residents of adjacent dwellings or cause problems of safety to road users will be resisted. To protect existing residential amenity a protection zone each side of a new entrance will be required. The size of this zone will be influenced by factors such as the layout of existing buildings and the position of windows, but as a minimum a distance of 3 metres either side of the access will be required. It is considered that a distance of 3 metres is the minimum likely to be required in order that the impact of a new access on existing residential property can be softened, for example by the introduction of soft landscaping. Access for emergency vehicles and refuse freighters will have to be accommodated in a safe and visually acceptable manner. Adequate turning circles and visibility splays will be required dependent on the size of the development and the classification of the public highway. Facilities for refuse and recycling collection will have to be provided in a visually acceptable manner.

Backland and infill development will need to make provision for car parking in a visually acceptable manner reflecting parking provision in the area and current parking standards. The use of permeable surfacing for drives (and other hard surfacing) can reduce localised flooding and will be encouraged.

All access requirements will need to be explained in the DAS.



A new access with new house placed to terminate view down the new street. New corner turning units address the new street and the existing one.

Privacy and overlooking

There must be sufficient separation between the proposed development and existing dwellings to overcome problems of overlooking and disturbance.

The greatest potential for unacceptable overlooking from a new residential development comes from the upper floor windows. The impact of overlooking alters by distance (window to window), the positioning and angle of windows, the type of room the window serves and the use of the room it looks towards and the type of glazing. The Essex Design Guide and other adopted guidance will set out minimum privacy standards and 'eye to eye' distances. However site circumstances may result in backland and infill development needing to exceed these minimum standards. Where infill and backland development is proposed in an area where plot sizes are smaller and/or gardens shorter the new development will be expected to comply with the requirements of the Essex Design Guide and other adopted guidance.

Amenity

The planning system operates in the wider public interest. Over time the owners of dwellings change and the requirements of people change. It is important to have a consistent approach in the determination of planning applications.

The fact that the occupier of an existing dwelling (subject to backland or infill development) is prepared to tolerate a lower standard of amenity than this SPD requires is not sufficient reason to permit development that would create substandard or unacceptable amenity for future occupiers of these properties.

Trees and hedgerows

Many large gardens accommodate mature trees and hedges, which contribute to the character of the area. They also provide habitats for ecology, wildlife corridors and important green links. New development should seek to retain existing trees and hedges in particular along site boundaries, where they have high amenity value or create privacy. New development should not be sited too close to existing trees or hedgerows as they may result in overshadowing of a building, cause damage to the root structure or lead to pressure from the occupier of the house to remove the tree or hedge in the future. An arboricultural report will be required to assess the impact of the development on important trees and hedgerows within the site or adjacent to it.

The proposed landscaping for new infill or backland development should be an integral part of the design process and must form part of the planning application.

Garden Amenity

The Essex Design Guide and the Core Strategy set out minimum sizes for gardens. The emerging Development Policies DPD is also likely to contain a policy covering minimum garden sizes. When considering backland and infill proposals, garden sizes may need to be substantially larger than these minimum standards in order that garden sizes reflect the size and shape of gardens in the area. Gardens must provide useable private space. Gardens provide other functions that the Council considers important, they allow the infiltration of water into the ground reducing the amount of surface water run off a site produces. Trees, shrubs and hedges can add to the biodiversity of an area. Where a garden is rich in biodiversity an assessment will be required to assess its value. If there are protected species on or adjacent to the site an ecological survey will be required.

Sustainable Construction

The incorporation of new technologies and energy saving techniques into a new building can dramatically reduce CO2 emissions and the carbon footprint of a dwelling. Initiatives include grey water recycling systems, solar panels, home recycling, wind turbines and ground water heating systems. Full details can be found in the Council's Sustainable Construction SPD.

Infill Development

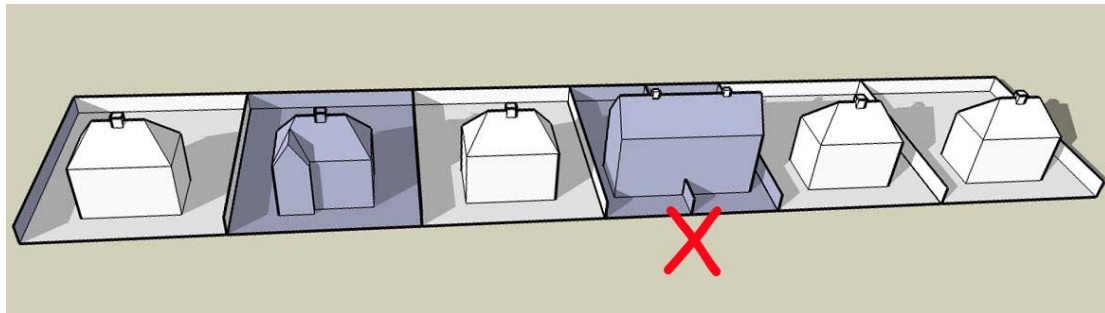
All infill development should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height, form, materials, fenestration and architectural details of its neighbours. This is important in re-enforcing local character and ensuring the context of the street scene is not adversely affected. Where existing development is of a poor design /materials new infill development will be expected to improve the character of the area.

Plot Width – plots must be of sufficient width to allow a building(s) to be sited with adequate separation between dwellings. The width of the remaining and the new plot should be similar to that prevailing in the immediate area.

Building line – where the prevailing depth of existing dwellings is a feature of the area new development should respect that building line.

Visual separation – new dwellings must have similar spacing between buildings to that commonly found on the street frontage. Where houses are terraced the new development should normally adjoin the adjacent property(s).

Building height – new buildings should reflect the height of existing buildings. Where existing buildings are of a uniform height, new buildings should respect that height.



New infill development must be in context.

Materials – where materials on existing buildings are similar, for example terraced housing tends to incorporate Essex red bricks and natural slate, new development should reflect those materials. In areas where poor quality materials are used traditional materials to improve the quality of the area and local distinctiveness will be required.

Architectural details – local features such as dormer windows, porches, chimneys, bay windows, door surrounds, stone cills and lintels, plinths or stringcourses can form an important part of the character of an area. New development should include architectural features where they predominant



New housing that reflects the character of neighbouring buildings.

Fenestration – the pattern and style of windows, doors and other features should be respected.

Roof form – if a street comprises hipped or gable roof forms new development should reflect the predominant roof form and the roof pitch. Where the existing buildings comprise a number separate elements new development should reflect this.

Parking and access arrangements – satisfactory arrangements will be required for parking and access. Generally parking areas to the front of the property using the front garden will not be acceptable unless, this is the prevailing pattern of parking in the locality. The use of permeable surfacing for drives (and other hard surfacing) can reduce localised flooding and will be encouraged.

Boundary treatment – boundary treatment along the frontage should reflect that prevailing in the area. Proposals for open frontages or the use of the frontage for parking will not be acceptable in areas where enclosed front boundaries prevail.