

7.2 Case Officer: Sue Jackson

Due Date: 06/10/2015

Site: Lakelands Phase 2 NR4. SR4 & SR5, Church Lane, Stanway

Application No: 151286

Date Received: 7 July 2015

Agent: Mr Daniel Allen, PRP Planning

Applicant: Mr Phillip Wright, CALA Homes (North Counties) Ltd

Development: Approval of reserved matters following outline approval 121040 & 121041 for the developments of plots NR4, SR4 & SR5 of the second phase of the lakelands development.

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 it is a major application and objections have been received.

2.0 Synopsis

- 2.1 The key issues explored below are the outline application and approved masterplan for Lakelands. The objections will be set out and responded to. The conclusion is that the application is generally in accordance with the masterplan and the layout and design are acceptable and approval of the reserved matters is recommended

3.0 Site Description and Context

- 3.1 This application relates to three parcels of land forming part of phase 2 of Lakelands at Stanway. Lakelands is located to the west of Tollgate Road and Warren Lane. The Western Bypass which links Warren Lane to Tollgate and London Road forms the west boundary of the Lakelands site. The specific parcels of land are NR4, SR4 and SR5, two of these parcels abut phase 1. Parcel NR4 has a frontage to Plover Road, one of main avenues serving Lakelands, and Church Lane it also faces an area of open space which separates the site from houses under construction by Persimmon Homes. Parcel SR4 has a frontage to properties erected under phase 1 along Robin Crescent and Osprey Close; it also wraps around properties on the corner of these roads. It also has a frontage to Plover Road, the western bypass and has a boundary with the embankment to Church Lane. Parcel SR5 has a frontage to Plover Road, Church Lane and also Robin Crescent where it faces houses erected under phase 1.

4.0 Description of the Proposal

- 4.1 The application is for the approval of reserved matters and comprises a total of 75 dwellings, divided as follows area NR4- 25 units, area SR4- 32 units and area SR5 18 units. The dwellings are predominantly detached or semi-detached but include a flat over a garage (FOG) and four groups of 3 dwellings. The dwellings comprise 3, 4 and 5 bed units; the FOG has 2-bedrooms.

5.0 Land Use Allocation

- 5.1 Stanway Growth Area
Residential

6.0 Relevant Planning History

- 6.1 121040 - Application for a new planning permission to replace extant planning permission F/COL/01/0976 in order to extend the time limit for implementation
- 6.2 121041 - Application for a new planning permission to replace extant planning permission O/COL/02/0980 in order to extend the time limit for implementation

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
SD2 - Delivering Facilities and Infrastructure
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR1 - Open Space
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
DP3 Planning Obligations and the Community Infrastructure Levy
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

- 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:

SA STA1 Appropriate Uses within the Stanway Growth Area
SA STA2 Phasing of Greenfield sites in Stanway Growth Area
SA STA3 Employment and Retail Uses in Stanway Growth Area
SA STA4 Transportation in Stanway Growth Area
SA STA5 Open Space in Stanway Growth Area

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

Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Stanway Parish Plan and Design Statement

8.0 Consultations

- 8.1 **Contaminated Land Officer** Assuming that the outline approval (121040/1) conditions in relation to contamination still apply, in particular with regard to the remediation strategy, i.e.: Development shall comply with the BWB Remediation Strategy, Ref OHP007/05/V3, dated February 2012 ("RMS") and CGL Gas Risk Assessment Report, Stanway, Colchester, dated February 2012 as agreed by Colchester Borough Council on 2nd May 2012 in discharge to condition 6 of F/COL/01/0976 or variation as agreed in writing with the Local Planning Authority I have no further comments.

Officer Comment: *the applicant has confirmed the outline conditions apply and remediation is in accordance with the approved documents*

- 8.2 **Environment Agency** Thank you for your consultation on the above application. We have no comment to make on the information submitted at this time. Essex County Council, in their role as Lead Local Flood Authority, should be consulted regarding the surface water management proposals for the site.
- 8.3 **Natural England** currently has no comment to make on these reserved matters. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.
- 8.4 **EC SUDS** The Flood Risk Assessment relating to this area appears to have been approved under the Discharge of Condition applications made for application refs. 121040 and 121041. Therefore, we will not be providing further comments.
- 8.5 **Landscape Officer** are generally acceptable
- the landscape deposit needs to be cross checked against the Council's standard requirements
 - amendment to buffer planting to the western bypass
 - The parking bays, planting beds and tree positions here (dwg no. 1013) need to be revised as illustrated, this to allow a sufficiently wide/deep bed to each planting area to allow the trees to establish satisfactorily.
 - Amendments to surface materials
 - Areas to be adopted by the Highways Authority need to be identified
- 8.6 **Highway Authority** has no objection
- 8.7 **Urban Design Officer**
- In summary proposals are disappointing and do not adequately follow up on the promising recent dialogue meeting and informed by previous comments. Sadly, proposals still inadequately address the masterplan and the Essex Design Guide. I would therefore recommend refusal until suitable improvements are made. It is accepted that not all approved/policy standards might be reasonably met, though this needs to be supported by a clear rationale and mitigated by an overall sense of reasonably good design in response to the context. Current proposals have some good qualities though are generally let down by unconvincing house types, which too often might appear unattractively monolithic /bland. There are also a number of outstanding layout and other issues which although generally minor in nature, collectively represent another significant flaw which should be ironed out wherever possible.

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 Stanway Parish Council objects to this proposal as there is insufficient parking for the density of the development and the number of bedrooms. The landmark buildings are overbearing in their proposed positions and have a potential to become 4 storey. There are also serious concerns about the lack of amenity space and the inclusion and amount of shared space.

10.0 Representations

- 10.1 2 objections have been received, 1 from Robin Crescent and 1 from Osprey Close the following issues are raised

We are going to have a house dead opposite us which will give us less privacy my main issue will be parking, Robin Crescent is a narrow road and we park outside our house with a toddler and newborn baby on the way and we would still like to park outside our house as other people do as well. This situation could cause problems for access for a lot of residents on the Lakelands estate.

Disruption is going to occur down Osprey Close. Access to the new homes is through Osprey Close although parking is provided this end of the estate already has difficult parking with people not using car parking provided. If double parking occurs at the top of Osprey it will be even more difficult to get out of the road and onto the bypass. My house will be overlooked and I was not expecting this.

Officer Comment: The adopted Lakelands Masterplan indicates these parcels for residential development. The layout shows frontage buildings to Robin Crescent and Osprey Close which will continue existing frontage development erected under phase 1 and complete the street scene. Frontage development is the appropriate urban design response for this part of the site.. The Councils adopted parking standard are met the properties each have a minimum of 2 parking spaces with some units having 3 or 4 spaces.

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

11.0 Parking Provision

11. The parking provision complies with the Councils adopted standards. Each unit will have a minimum of 2 parking spaces some units will have 3 or 4 spaces and in addition 17 visitor spaces are indicated.

12.0 Open Space Provisions

- 12.1 The outline applications secure open space for Lakelands. The dwellings all have private amenity areas in accordance with adopted amenity space standards.

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 classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was agreed by the Development Team that this is an application for the approval of reserved matters and all Planning Obligations were secured under the outline application.

15.0 Report

Design and Layout Height

- 15.1 The outline planning permissions include a condition requiring the submission and approval of a master plan. The approved masterplan sets out the design principles for the reserved matters applications. The document as well as defining land uses also identifies character areas, building heights and locations for landmark buildings.
- 15.2 The development comprises a mix of 3 and 2.5 storey dwellings. The 3 storey buildings generally front the main avenue, the open space and Church Lane, with landmark buildings where roads intersect and corner locations to the open space. Whilst the proposal includes 2.5 storey buildings on frontages shown as 2 storey in the masterplan these units are considered acceptable and make use of the roof area lit by dormer windows and roof lights.
- 15.3 The adopted masterplan indicates continuous built form to the road frontages with parking provided in rear parking courts thereby minimising the number of access points and gaps in the street scene. The original plans indicated the majority of dwellings with individual access points. Some house types were unacceptable with wide spanning gables and generally lacking in architectural details. Members will note the Urban Design Officer recommends refusal. Since these comments were made a meeting has taken place and further amendments made. The most important revision is to the layout which now includes rear courtyard parking and a significant reduction in the number of access points. Different house types are also proposed which have acceptable proportions and detailing. Other amendments include changes to the roof alignment so they span the longest not the shortest dimension. The distribution of materials has been clarified and additional architectural details introduced.
- 15.4 Whilst the amendments do not overcome all the comments made by the Urban Design Officer it is considered the package of revisions to layout and design is acceptable subject to conditions.

Impacts on Neighbouring Properties

- 15.5 Area NR4 has no immediate residential neighbours; Area SR4 has a limited frontage to dwellings in phase 1. Area SR4 fronts and wraps around phase1 dwellings and the two objections relate to this area. All the parcels of land forming this application are shown for residential purposes in the Adopted Local Plan and benefit from outline planning permission. The development proposed on parcel SR4 will complete the street scene with houses facing existing houses erected under the phase 1 permission. The application meets the Councils adopted parking standards each dwelling will have a minimum of 2 parking spaces and provision is made for 17 visitor spaces.

- 15.6 Stanway PC has commented regarding the landmark buildings, they are located at key points within the development and are 3 storey high under a pitched roof. These buildings are considered acceptable and in general conformity with the masterplan.

Amenity Provisions

- 15.7 The dwellings all have acceptable private garden areas. In addition to the individual gardens the outline application and legal agreement secure areas of open space and a country park which are available for public use.

Highway Issues

- 15.8 The Highway Authority has no objection. The main access roads to serve these plots are already constructed under earlier permissions.

16.0 Conclusion

- 16.1 The amended plans are considered acceptable and the approval of the reserved matters is recommended.

17.0 Recommendation

- 17.1. APPROVE subject to the following conditions

18.0 Conditions

1 - Non-Standard Condition/Reason

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permissions references 121040 and 121041 relating to this site and the conditions attached thereto remain in force.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by section 51 of 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 2073AP0001C, 2E, 3C, 4C, 5C, 6D, 7D, 8B, 11D, 12D, 21D, 22D, 31D, 32D, 41D, 42D, 52D, 53D, 54D, 61D, 62D, 71D, 72D, 81D, 82D, 101D, 102D, 103D, 104D, 105D, 106D, 108D, 109B, 110B, 151D, 152D, 153B, 154B, 155B, 156B, 157B, 158B, 159B, 160B, 161D, 162D, 163B, 164A, 171B, 172B, 181B, 182B, 191B, 192B, 193B, 194B, 195B, 196B, 197A, 198A, 199A, 200A and 211D.

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

3 - Non-Standard Condition/Reason

Notwithstanding any details shown within the submitted application, this permission expressly excludes the use of the external materials. No works shall take place until details of alternative materials have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out using these approved materials. Reason: The materials proposed in the application are not considered to be suitable for use on this site and to ensure that appropriate materials are chosen which will secure a satisfactory appearance, in the interests of visual amenity.

4 - Non-Standard Condition/Reason

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, rooflights, doors or any other form of openings shall be installed above ground floor level within any elevation walls or roof faces of the dwellings hereby permitted unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

5 - Non-Standard Condition/Reason

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users, also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity and as the details submitted are not acceptable in all respects.

6 - Non-Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, string courses, eaves, verges, cills, window reveals, “dummy” windows, pilasters, finials, exposed rafter feet, and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to these features which are an integral part of the overall design.

7 -Non-Standard Condition/Reason

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

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

8 - Non-Standard Condition/Reason

Prior to the commencement of any works a drawing showing the areas to be adopted, to be the responsibility of a management company or to be in private ownership shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure these matters are agreed and there are no areas of land where ownership/responsibility is unknown.

9 - Non-Standard Condition/Reason

Notwithstanding the details shown on drawing no.2073AP0104_D the roof on plots SR5 02 and 03 shall span along the longest dimension as shown on the submitted house type drawing no 2073AP0002 _ E. Prior to the commencement of development amended plans shall be submitted to and approved in writing by the local planning authority showing this amendment. The development shall be implemented in accordance with the approved amended drawing.

Reason: To ensure a satisfactory visual appearance to these dwellings which are located on one of the principal avenues serving Lakelands

10 - Non-Standard Condition/Reason

Notwithstanding the details shown on drawings nos. 2073AP0172_B and 2073AP0182_B the external render as shown is not approved. Prior to the commencement of development amended plans shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved amended drawings.

Reason: To ensure a satisfactory visual appearance to these dwellings.

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.

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

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.