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Item No: 7.2

Application: 172362

Applicant: Mr Matt Parsons. Persimmon Homes

Agent:

Proposal: Development for an additional three units to flat block one at Parcel NR7 which comprises a block of eleven units containing a mix of apartments, together with associated private amenity space, means of enclosure, car parking, vehicle and access arrangements together with proposed areas of landscaping.

Location: Lakelands Parcel NR7 Block 1, Tollgate Road, Stanway, Colchester

Ward: Marks Tey and Layer

Officer: Sue Jackson

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

This full application is referred to the Planning Committee because the application site is part of Lakelands and the application proposes a building part 4 storey in height which is not in accordance with the approved Masterplan which suggests buildings with a maximum height of 3 stories in this location.

2.0 Synopsis

The key issues for consideration are whether the 3 additional units in a building which is part 4-storey is suitable in its context, whether the design is acceptable and whether there is satisfactory parking provision. The conclusion is that in this particular location, a corner site overlooking an area of open space and land identified for a school, a building part 4 storey and part 3 storey in height is acceptable, revisions to the design have been negotiated and satisfactory provision is made for parking. The application is subsequently recommended for approval.

3.0 Site Description and Context

This application relates to a parcel of land known as NR7 forming part of Phase 2 of Lakelands at Stanway. The specific location is a building described as Block 1 which faces an area of public open space and land reserved for a school.

The site contains no landscape features and has been re-contoured since the extraction of minerals ceased. Vehicular access to the site from Tollgate Road has been constructed.

4.0 Description of the Proposal

Reserved matters for Lakelands areas NR6, 7 and 8 were approved by the Planning Committee on 20 October 2016. The approval included a building described as Block 1; part 3 storey and part 2 storey in height comprising eight units five 2-bed and three 1-bed. The proposal is to increase the height of the building by a further floor thereby elevating the 2 storey element to 3 storey and the 3 storey element to 4 storey in order to accommodate a further three units. Block 1 will therefore comprise eleven units, seven 2-bed and four 1-bed. Additional parking spaces are also proposed.

5.0 Land Use Allocation

Adopted Local Plan- Stanway Growth Area Residential

6.0 Relevant Planning History

The Lakelands site has a long planning history but the most relevant application is 160661 application for the approval of reserved matters on areas NR6-8 following outline planning permissions 121040 and 121041.

7.0 Principal Policies

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- 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
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment

The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- 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

Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

- SA H1 Housing Allocations
- SA STA1 Appropriate Uses within the Stanway Growth Area
- SA STA4 Transportation in Stanway Growth Area
- SA STA5 Open Space in Stanway Growth Area

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

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Affordable Housing
- Community Facilities
- Open Space, Sport and Recreation
- Sustainable Construction
- Urban Place Supplement
- Sustainable Drainage Systems Design Guide
- Stanway Joint Design Statement and Parish Plan

8.0 Consultations

The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

Highway Authority has commented “Having reviewed the proposed layout, provided the three visitor parking spaces are re-located so as to not be on carriageway adopted as highway, from a highway and transportation perspective the Highway Authority has no comments to make on the proposal”. *Officer comment: these spaces have been relocated off the highway.*

Urban Design Officer: Objects to the application. The NPPF requires good design and states that poor design should be refused. The 2010 Design and Access Statement approved for the outline application provides the agreed masterplan for the wider Lakelands neighbourhood. For this site it suggests building heights up to 3 storey to provide ‘primary frontage’ overlooking the now built central park. In contrast to the above, the building is 4 storey, it would be the tallest in the neighbourhood, whilst described as a ‘landmark’ and then only by its size rather than distinctive qualities, the building design is noticeably poor. It is accepted the approved building design is similarly styled, though simply raising storey heights is not acceptable. *Officer comment. Planning permission has been granted for a building part 2 storey part 3 storey and the application proposes raising the storey heights and continuing the approved design for another storey. It is agreed that the increase in height will make the building more prominent and amendments to the appearance of the building as a whole are required. A series of improvements have since been agreed with the applicant and these are described below.*

9.0 Parish Council Response

The Parish Council have stated that “Stanway Parish Council OBJECTS to this proposal in support of local residents objections.

The site will be overdeveloped with insufficient parking and amenity space. The increase in units does not meet existing occupants’ expectations”.

10.0 Representations from Notified Parties

The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

No representations received.

11.0 Parking Provision

The parking provision satisfies the Councils Adopted Parking Standards 2 spaces for each of the 2-bed flats, 1 space for the 1-bed flats and 3 visitor spaces. Cycle parking is also indicated.

12.0 Open Space Provisions

Lakelands includes significant areas of public open space including a country park which in total exceed the 10% policy requirement.

13.0 Air Quality

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

14.0 Planning Obligations

This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

However an agreement is required to link this application to the legal agreement for the Lakeland site so these units are included in the calculation of unit numbers for triggering obligations.

15.0 Report

The main issues in this case are:

The Principle of Development

The site is within an area of residential development. The site is that of a building with planning permission for 8 residential units within Lakelands Phase 2 area NR7. Residential development is therefore acceptable in principle.

Development of Lakelands Phase 2 is authorised by 2 outline planning permissions, applications 120140 and 120141 (these are both renewals of earlier outline consents), each include a condition restricting the total number of units to 800. The development already built out and reserved matters consents yet to be implemented equate to 793 units, this full application proposes an additional 3 units which if consented will take the total number of units to 796 still below the 800 ceiling. The majority of Lakelands is now built out so there is only limited scope for any further applications to increase the number of units. However officers are currently considering a full application to increase the number of units on area NR5 from 10 units to 22 units; application reference 172363.

Members will be aware the Design and Access Statement approved in discharge of a condition on the outline permissions comprises the Lakelands Masterplan. The Masterplan indicates buildings with a maximum height of 3 storeys on area NR7 including the application site.

However the Masterplan is only a guide to development and whilst it is a material planning consideration the application has to be considered on its planning merits, the main issue to be considered is whether a small element of 4 storey building, equivalent to a further 2 units, is appropriate in this location. Members should note there has already been a degree of flexibility in building heights, permission has been granted for a 4 storey building on another part of Lakelands where the masterplan indicates a maximum building height of 3 storeys and in areas where the masterplan indicates a maximum building height of 4 storeys buildings are 2 and 3 storeys high.

The question to be addressed is whether a small element of 4 storey building is appropriate in this location. The building proposed is part 3 storey and part 4 storey and is located on the edge of area NR7 fronting an area of public open space and land reserved for a school. It is adjacent to another building containing flats which is part 2 and part 3 storeys in height. It is considered an increase to 4 storeys could be justified as a focal point to the central park and the green link subject to an amended design and detailing. The original design was unacceptable and improvements have been negotiated and are described below.

Design and Layout

Policies in the local plan, in accordance with the NPPF, seek to promote good design to ensure attractive and functional places, and that developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.

The layout of this corner turning building is unaltered by this proposal. A building part 3 part 4 storey is obviously more prominent and the 4 storey element will be the highest building on this part of Lakelands. Amendments to the design have been negotiated including hipped roofs with a roof feature, improvements to the fenestration and the introduction of string courses. It is considered these amendments represent an uplift to the previously approved building which will be appropriate in its context and will enhance the character of the area.

Impact on the Surrounding Area

There will be no identifiable adverse impact on the surrounding area.

Impacts on Neighbouring Properties

There will be no adverse impact on the amenity of neighbouring properties.

Amenity Provisions

The uplift in the design quality will improve the general amenity of the area and the street scene.

Landscape and Trees

The site has no existing landscape features. The area to the front of the building is unaffected by the increase in height and will be landscaped to provide public amenity. A condition will be imposed to require a detailed landscape scheme to be submitted and approved.

Highway Safety and Parking Provisions (including Cycling)

The Highway Authority has no objection. The approved road network serving the site is unaffected by this application. Parking provision satisfies the Councils adopted standards.

Public Open Space Provision

The site includes no public open space but as described above the Lakelands development includes significant areas of public open space including a country park which in total exceeds the 10% policy requirement.

Private Amenity Space Provision.

Each flat has a balcony which satisfies the space standards within the Essex Design Guide, in addition this block faces a large area of public open space which includes children's play equipment.

Other Matters

None

16.0 Conclusion

To summarise, the proposal satisfies the Councils amenity and parking standards and the improvements to the design will enhance the area and the proposal is consequently considered acceptable in terms of detailed design.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting, to link this application to the legal agreement/s for Lakelands. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

1. ZAA - Time limit

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. ZAB - Approved Drawings

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers PH-113-U-001rev A, PH-113-U-002 rev B, PH-113-U-003 rev B, PH-113-U-005 rev B, PH-113-U-006-1 rev B, PH113-U-006-2 rev C. Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3. Non-standard Condition - External Materials

Notwithstanding any details shown within the submitted application, this permission expressly excludes the use of the external materials shown. No works shall take place until details of alternative materials have been submitted to and agreed, in writing, by the Local Planning Authority. The roof material shall comprise an artificial or natural slate. 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 - Landscape Works to be submitted and approved

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 take account of the landscape proposals for the adjacent site NR10 in so far as they relate to Tollgate Road.

The submitted landscape proposal shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- FOOTPATH/CYCLE LINKS
- 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.

5. Non-standard Condition - Implementation and Monitoring Programme for approved landscape works

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

6. Non-standard Condition - Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved, in writing, by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

7. Non-standard Condition - Drawings of Architectural features

Prior to the commencement of any works, additional drawings that show details of all architectural features (including but not limited to) proposed new windows, decorative brick details, doors, string courses, eaves, verges, cills, window reveals, pilasters, balconies, roof feature/s, 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.

8. Non-standard Condition - Parking Spaces to be provided and maintained

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

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

9. Non-standard Condition - Areas to be adopted/ non adopted areas/public areas

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.

- 10. Non-standard Condition** - Management Company for non-adopted areas
Prior to the first occupation of the development hereby permitted, details of the Management Company to be responsible for all the areas either not adopted or not in private ownership shall be submitted to, and agreed in writing by, the Local Planning Authority. The Management Company shall thereafter remain in place for the management of these areas.
Reason: To ensure the continued and appropriate management of these areas.
- 11. Non-standard Condition** - Development in accordance with remediation strategy
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.
Reason: The site lies within 250m of a former landfill site and the Local Planning Authority wishes to ensure that development proceeds safely.
- 12. Non-standard Condition** - Development in accordance with environmental reports
Development shall comply with the BWB Phase I Geo-Environmental Report for O&H properties Ltd; Ref: OHP007SE/PHS2/01/V2; dated July 2010 BWB Phase II Additional Environmental Assessment Interpretative Report for O&H Properties Ltd; Ref: OHP007SE/PHS2/02/V1; dated March 2011 BWB Further Ground Gas Investigations and Monitoring for O&H Properties Ltd; Ref; OHP007/04/V3; dated February 2012 BWB Remediation Strategy, Ref OHP007/05/V3, dated February 2012 ("RMS") as agreed by Colchester Borough Council on 2nd May 2012 in discharge to condition 29 of F/COL/01/0976. Or other variation as agreed in writing with the local planning authority. Reason: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.
- 13. Non-standard Condition** - Construction Method Statement
Construction methods shall comply with the Construction Method Statement received 30th November 2010 and agreed by Colchester Borough Council on 9th December 2011 in discharge to condition 12 of F/COL/01/0976 unless otherwise agreed in writing with the Local Planning Authority. Reason: In the interest of highway safety and safeguarding residential amenity.

14. Non-standard Condition - Foul and Surface Water Drainage

Prior to the commencement of any development, a scheme for the provision and implementation of foul and surface water drainage shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall thereafter be constructed and completed in accordance with the approved plans. Reason: To prevent the potential for any increased risk of flooding.

15. Non-standard Condition - Communal Refuse recycling and satellite aerals

Details of communal refuse and recycling storage facilities, cycle storage facilities and communal satellite aerals for any flat forming part of the development shall be submitted to and approved, in writing, by the Local Planning Authority before the commencement of development of such units. Reason: In order to ensure that satisfactory communal services are provided to flats on the estate.

16. Non-standard Condition - Lighting

Any lighting of the development shall be located, designed and directed so that it does not cause avoidable intrusion to adjacent residential properties or constitute a traffic hazard or cause unnecessary light pollution outside the site boundary. 'Avoidable intrusion' means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers. Reason: To reduce the undesirable effects of light pollution on the amenity of the area.

17. Non-standard Condition - No occupation until vehicle access is available

None of the residential units hereby approved shall be occupied until they are adequately linked to the public highway network in accordance with approved highway plans. Reason: To ensure that safe and convenient vehicle access to the site is available at all times.

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these

requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. Non-Standard Informative - Highway informatives

- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority
- All highway related details should be agreed with the Highway Authority