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## Item No: 7.1

**Application:** 171467

**Applicant:** Mr Phillip Wright

**Agent:** Miss Anna Harper

**Proposal:** Application for approval of reserved matters following outline approval 151479.

**Location:** Lakelands Phase 2, Church Lane, Stanway, Colchester, CO3 8LP

**Ward:** Marks Tey & Layer

**Officer:** Sue Jackson

**Recommendation:** Conditional Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because Members requested the reserved application be reported to them when they considered the outline application. It is also a major application and material objections have been received.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are layout, design, impact on the neighbouring area and conformity with the adjacent Lakelands development and Masterplan.
- 2.2 The application is subsequently recommended for Approval.

## **3.0 Site Description and Context**

- 3.1 The application is part of the Lakelands development the area was a former sand and gravel pit and is now 'made-up' ground as levels were raised to accommodate the development. The site is broadly rectangular and measures approximately 1.74 hectares. The Stanway Western By-Pass is adjacent to the west boundary, the north boundary is adjacent to the site of the proposed Tollgate Village development, land to the south and east forms part of the Lakelands area and is either developed or will be developed for residential purposes.
- 3.2 The site is accessed by an existing estate road that serves the wider Lakelands residential development. The site sits below the level of land to the north and there is an escarpment to this and part of the west boundary.

## **4.0 Description of the Proposal**

- 4.1 This reserved matters application has been revised since the original submission and now proposes a total of 62 residential units (previously 64 units were proposed). The development comprises a mix of 55 houses and 7 apartments and includes means access and associated infrastructure works. The units consist of 5 two bed apartments, 2 three bed apartments, 7 two bed houses, 30 three bed house and 18 four bed houses, 13 of the units are identified as affordable.
- 4.2 Access is taken from the Western By-Pass via Plover Road and Nuthatch Chase these roads serve existing residential development. A new road is proposed off Nuthatch Chase the junction of which is already in place. Buildings will front both the existing and new roads. There is no vehicular access onto either the Western Bypass or Plover Road with these units being served by rear parking courts. The majority of the other units have garages and/or parking spaces adjacent to the dwelling with access directly onto the road.

4.3 Following concerns raised by the Case Officer and Urban Designer Officer to the original proposal amended drawings have been submitted. The amendments relate to layout, improvements to the elevational treatment and re-positioning the link path/cycleway to Tollgate Village. The revisions have resulted in the loss of units 62 units are now proposed.

4.4 The application is supported by the following submitted documentation:-

- Illustrative layout drawing 100371F/A/P003
- Parameters plan drawing 100371F/A/P004
- Planning, Design & Access Statement & Health Impact Assessment
- Ground conditions & remediation Statement
- Flood Risk Assessment
- Design & Construction Statement
- Noise Statement

## **5.0 Land Use Allocation**

5.1 Adopted Local Plan- Strategic Employment Zone (SEZ), Employment Zone (EZ), Stanway Growth Area (STA) Publication Draft Local Plan- Residential

## **6.0 Relevant Planning History**

There is a long planning history but the most relevant application is 151479 which granted outline planning permission for residential development on this site which is within a Strategic Employment Zone

6.1 151479 Outline application for the proposed residential development of land known as parcel NE2 (including affordable housing) together with associated landscaping, access roads, car parking, infrastructure and other ancillary works. Planning permission granted 15th December 2016. The accompanying legal agreement secures contributions for Sport and Recreational Facilities, Community Facilities and Education plus 20% Affordable Housing

## **7.0 Principal Policies**

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

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- CE3 - Employment Zones
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- 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
- ER1 - Energy, Resources, Waste, Water and Recycling

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

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage

- 7.4 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 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 Documents (SPD):

The Essex Design Guide

External Materials in New Developments

EPOA Vehicle Parking Standards

Backland and Infill

Affordable Housing

Community Facilities

Open Space, Sport and Recreation

Sustainable Construction

Cycling Delivery Strategy

Urban Place Supplement

Sustainable Drainage Systems Design Guide

Street Services Delivery Strategy

Planning for Broadband 2016

Managing Archaeology in Development.

Developing a Landscape for the Future

ECC's Development & Public Rights of Way

Planning Out Crime

Air Quality Management Guidance Note, Areas & Order

Stanway Joint Design Statement and Parish Plan

## 8.0 Consultations

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

- 8.1 **Highway Authority** comments that some details of the proposed layout needed to be addressed.

*Officer comment The Highway Authority has been reconsulted on the revised scheme and their comment should be available to report on the amendment sheet.*

8.2 **Landscape Officer:** The proposals would appear for the most part acceptable but amendment is required to fully comply with the Council's Landscape Strategy for development sites. *Officer Comment: conditions imposed on the outline planning permission require the submission and approval of hard and soft landscape details prior to the commencement of the development*

8.3 **Urban Design Officer:** recommended refusal of the original submission and comments (summarised)The proposals need to better balance the desire for density and low costs with place-making and informed by guidance contained in the approved masterplan and Essex Design Guide. I would suggest this will probably require a reduction in the number of units. The scheme is contrary to the masterplan as a direct and legible dedicated green footpath link isn't provided to access Tollgate in the north (and housing areas to the east). In accordance with the Essex Design Guide, it was agreed a 12.5m minimum privacy distance was required between proposed upper floor habitable windows and approved/planned private gardens in NR5. The scheme appears inappropriately car dominated at the expense of a good place-making and in conflict with guidance in the Essex Parking Standards and Essex Design Guide. Plot 34 is poorly relates to Stanway Western Bypass, with its exposed wide span gable and lack of secondary frontage at ground level. Plot 16 its proximity to the NR5 site boundary means this plot will unreasonably overshadow and overbear the nearest property in NR5, and make the key footpath link appear claustrophobic and unwelcoming wide span gable inappropriately presented to the street scene.

Paving should be extended up to the existing street including to promote pedestrian priority crossings and possibly ramped up to footpath level. Private amenity space have undersized gardens assessed against adopted Colchester standards Landmarks need a significant architectural uplift to provide distinction in response to key views.

An uplift in architecture and distinctiveness is also generally required.

*Officer comment: the revised drawings have been submitted and the Urban Design Officer has been re-consulted, at the time of drafting this report it is anticipated further revisions will be discussed.*

8.4 **Contaminated Land Officer:** has considered the Geotechnical and Geo-Environmental Report and comments that further gas monitoring is required before the conditions imposed on the outline planning permission can be discharged. *Officer comment: these conditions will remain in force.*

8.5 **Environmental Protection:** With regards to the reserved matters application which includes consideration of noise from the Western By-Pass Environmental Protection wish to make the following comments (summarised). This is a reserved matters submission and as such the Noise Assessment report should include the final details of recommended construction. Furthermore where noise levels at façade exceed 60dB LAeq16hour (Daytime) 50dB LAeq 8hour (Night time) we would expect site design and internal layout design to minimise exposure to habitable rooms. The details of the construction, density and acoustic performance of the 1.8m high close boarded fencing proposed to reduce noise to rear amenity spaces should also be provided.

Further consideration needs to be given to

- Internal layout should be shown and attempts made to ensure that habitable rooms are protected as far as reasonable practicable and/or dual aspect rooms used to provide some natural ventilation to shielded facades. With regards to the flats using non habitable rooms and stair ways facing the road and habitable rooms facing west in the noise shadow of the building
- Site design minimise exposure
- Details are submitted of the close boarded fencing and modelling of the acoustic performance to each of the amenity areas where it is considered necessary.
- Internal noise levels shall be shown where mechanical ventilation is necessary (>50dB night and >60dB Daytime at facade)

The above should be shown to be considered as far as practicable before relying on glazing and alternative means of ventilation as final resort.

*Officer comment: it is anticipated revised drawings will be submitted which include a re-design of the floor layout for the units, fronting the Western By-Pass, plots 35-41*

8.6 **ECC SUDS:** “Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the discharge of condition 14 and 15 of 151479.

8.7 **Natural England:** has no comments to make on this application.

## 9.0 Parish Council Response

9.1 The Parish Council have stated that “This phase is too dense and overdeveloped with an increased amount of Social Housing in one area. There is insufficient parking and the proposed 4 storey buildings are not in keeping with the street scene, the rest of the Lakelands Development or the Stanway Area. The Committee is disappointed that the developers have not fulfilled their original Obligations”.

*Officer comment: there are no 4 storey buildings, the legal agreement requires 20% affordable housing on this site, parking meets the Councils adopted parking standards.*

9.2 **Stanway Parish Council** has been notified of the revised plans.

## 10.0 Representations from Notified Parties

10.1 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

10.2 Neighbours opposite the site in Nuthatch Court have been notified in respect of the revised plans.

### **11.0 Parking Provision**

11.1 Sixty two units are proposed comprising 92 parking bays 18 car ports 14 garage A total of 124 spaces are proposed plus 16 visitor spaces and this satisfies the Councils adopted parking standards.

### **12.0 Open Space Provisions**

12.1 This site does not include an area of public open space. This was not a requirement of the outline planning permission as the Lakelands development benefits from large areas of open space including a country park which in total exceed the 10% policy requirement.

### **13.0 Air Quality**

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

### **14.0 Planning Obligations**

14.1 As a “Major” application, the outline application was considered by the Development Team. The following obligations have been secured in a legal agreement.

- Sport and recreational facilities Contribution
- Community Facilities Contribution
- 20% Affordable housing or a contribution of £120,000 for each dwelling if the provision falls below 20%.
- Education Contribution

14.2 As this is a reserved matters application following the outline planning permission it will be bound by the provisions of the legal agreement and no further obligations can be sought.

### **15.0 Report**

15.1 The main issues in this case are:

#### The Principle of Development

15.2 The principle of residential development has been established by the outline planning permission. This application is for the approval of the matters reserved by the outline application, in this instance the reserved matters comprise access, appearance, landscaping, layout and scale. Whilst the outline application included an illustrative layout plan indicating 65 dwellings this drawing was excluded from the permission which therefore establishes the principle of residential development only not a specific number of units or layout.



### Design, Layout, scale.

#### 15.3 The relevant local plan policies are set out below

##### Core Strategy Policy UR 2 – Built Design and Character states (summarised)

The Borough Council will promote and secure high quality and inclusive design in all developments to make better places for both residents and visitors. The design of development should be informed by context appraisals and should create places that are locally distinctive, people-friendly, provide natural surveillance to design out crime, and which enhance the built character and public realm of the area. High-quality design should also create well-integrated places that are usable, accessible, durable and adaptable. ....Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.

#### 15.4 Development Policy DP1 Design and Amenity states (summarised)

All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will:

(i) 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.....

(iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.....

(vi) Incorporate any necessary infrastructure and services including recycling and waste facilities and, where appropriate, Sustainable Drainage Systems (SuDS), and undertake appropriate remediation of contaminated land; and.....

#### 15.5 The Lakelands Phase 2 Design and Access Statement document forms the Masterplan for Lakelands. The document obviously shows employment buildings on this site which take on a different design approach to that of a residential development. However, the document does include some important urban design principles including built form fronting roads, identifying key vistas/landmark buildings and promotes the provision of a pedestrian link to the Tollgate Village site. These principles are applicable to either an employment or a residential use.

#### 15.6 Buildings front the roads with continuous built form to the Western By-Pass. There is no vehicular access on to this principle road and parking is provided part in the ground floor of the building part parking courts which are accessed from the rear via the internal roads. The majority of parking spaces are provided on site or in garage courts. The revised plans have reduced the use of parallel parking and introduced greater use of parking courts. As a result of these revisions, the street scene generally is less dominated by parked vehicles.

- 15.7 H2 – Housing Density (Revised July 2014) The Borough Council will seek housing densities that make efficient use of land and relate to the context..... The Lakelands Master Plan proposes densities of 30dph lower density, 35 dph medium density and 40dph high density. The land to the south of the site is identified as medium and high density. The proposed development comprising 62 units across an area of approximately 1.74ha, results in an average density of 36 dwellings per hectare. The density therefore reflects the densities found in surrounding land parcels and is acceptable.
- 15.8 The Lakelands Masterplan shows employment buildings up to 4 storey in height on the application site. However the application proposes buildings with a maximum height of 3 storey with the majority of units being either 2 or 2 ½ storeys with key landmark buildings placed along main avenues to create the required vistas. In terms of the context apartment buildings opposite the site are 3 storey and dwellings are 2 and 2 ½ storeys. The wider Lakelands area includes some 4 storey buildings.
- 15.9 A range of materials are proposed including: brick, timber boarding, colour render and reconstituted stone. These materials complement the neighbouring developments and reflect those used by the applicant Cala Homes on another parcel of land at Lakelands.
- 15.10 The revised drawings have resulted in the introduction of a 3 storey house type approved on Calas other site at Lakelands one of these units has a hipped roof which helps terminate the vista. The span of some roofs has been revised so they now span the longest dimension as recommend in the Essex Design Guide. The ground floor elevation of the apartment building fronting the Western By-Pass has been revised. The original plans proposed the upper floors supported on piers and consequently the parking spaces were visible from this important distributor road. The position of the pedestrian and cycle path linking through to Tollgate Village is now proposed on the east boundary with houses overlooking it. Further architectural details have been introduced which include stone cills and window heads, exposed eaves, small porches, projecting brick string courses, balconies and dummy windows.
- 15.11 In accordance with the adopted policies set out above and the Lakelands Masterplan, the design of the development has been informed by its context and reflects surrounding development parcels within the wider Lakelands development. It identifies key vistas and landmarks. The density, layout and design also accords with the Lakelands Masterplan and adjacent development and are considered acceptable.

### Amenity Provisions

- 15.12 DPD Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This policy seeks, inter alia, to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.
- 15.13 The immediate neighbours opposite the site are within Nuthatch Chase which comprises 2 storey houses. In addition, there are 3 storey apartments on the junctions with Plover Road. It is considered the development will not have an unacceptable impact on these existing residents.
- 15.14 The Councils adopted private amenity standard for houses and flats require the following
- One or two bedroom houses – a minimum of 50m/sq
  - 3 bedroom houses – a minimum of 60m/sq
  - 4 bedroom houses – a minimum of 100m/sq
  - For flats: A minimum of 25m/sq. per flat provided communally (where balconies are provided the space provided may be taken off the communal requirement).
- 15.15 The application satisfies this standard in respect of 2 and 3 bed units and the flats. Whilst some of the 4 bed dwellings have private rear amenity gardens below 100m/sq. nevertheless units all have gardens are well in excess of the 60 m/sq required for a 3 bed dwelling. It is considered a smaller garden for these units is not sufficient grounds in isolation to refuse planning permission.

### Impact on the Surrounding Area

- 15.16 In terms of the impact of the development on the surrounding area it is considered that the residential use compliments the surrounding uses. Neighbouring development comprises newly erected residential properties on the opposite side of the access road (south boundary), Persimmon Homes has planning permission for residential development on land to the east (this development has not yet commenced). To the west is vacant land allocated for employment use whilst on the north boundary is vacant land forming part of Tollgate Village.

### Highway Safety and Parking Provisions (including Cycling)

- 15.17 A new pedestrian footpath and cycleway is proposed in the north eastern corner of the site linking up to the Tollgate Centre. The revised application shows this path on the east boundary with houses overlooking it. This conforms to guidance set out within the Essex Design Guide which specifically requires street layouts to encourage walking and cycling to ensure developments are permeable and well connected with natural surveillance and the proposal is in accordance with the Masterplan. Parking

provision satisfies the Councils adopted parking standard. Cycle parking for the apartments will be secured by condition.

- 15.18 The Highway Authority commented that certain details on the original application required amendment, they have been reconsulted on the revised drawings.

#### Other Matters

- 15.19 Essex County Council Sustainable Drainage Team has confirmed the submitted information is acceptable and the drainage conditions imposed on the outline application can be discharged. The Contaminated Land Officer has confirmed further tests are required and these conditions will therefore remain in force. The site is a former sand and gravel pit and contains no landscape features other than a bank on the north boundary with the Tollgate Centre. The bank and other areas within the site will be landscaped. The application includes 20% of the units to be affordable as secured in the legal agreement.

### **16.0 Conclusion**

- 16.1 To summarise, this reserved matters application generally satisfies the design parameters, density and layout on the wider Lakelands area and it is recommended reserved matter consent is granted.

### **17.0 Recommendation to the Committee**

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

#### **1. ZAF – Reserved Matters Application**

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission reference 151479 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 ZAM – Development to accord with approved plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers (to be supplied on the amendment sheet)

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

### **3. ZBC – Materials to be agreed**

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these 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. ZBE – Materials Shown on Plan to be agreed**

Notwithstanding any details shown within the submitted application, this permission expressly excludes the use of external materials. No external materials shall be used until details of these 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.

### **5. ZDM - Retaining Garage for Parking**

The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety

### **6. ZKM - \*Residential Parking Spaces Retained\***

Prior to the first occupation of the development, the GARAGE(S) / CAR PORTS/PARKING 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 PORTS/PARKING 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.

### **7. Non Standard Condition – Cycle Parking**

Prior to the first occupation of the development hereby permitted, cycle parking shall have been laid out within the site in accordance with details that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority. The agreed cycle parking provisions shall thereafter be maintained and made available for this use at all times.

Reason: There is insufficient detail shown to ensure that there is satisfactory cycle parking available at the site at the time that it becomes occupied.

Plus extra Conditions as required by the Highway Authority and Environmental Protection. To be updated via Amendment Sheet.

## **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](http://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) ZTB - Informative on Any Application With a Site Notice**

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