



Application No: 152826

Location: Land to the East of Warren Lane & West of Dyers Road, Stanway, Colchester, CO3 0LN

Scale (approx): NOT TO SCALE

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **17th March 2016**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Alistair Day

Due Date: 04/04/2016

MAJOR

Site: Land to the East of Warren Lane and West of Dyers Road, Stanway, Colchester, CO3 0LN

Application No: 152826

Date Received: 4 January 2016

Agent: Miss Sophie Jamieson, Barton Willmore LLP

Applicant: Mr David Burns, Taylor Wimpey East London

Development: Full planning permission for the development of the site for 93 dwellings, public open space, landscaping, access and car parking.

Ward: Stanway

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement subject to Council's Archaeological Officer and the Highway Authority not raising any objection (that cannot be resolved by a condition)

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because objections have been received to the development proposal and a s106 legal agreement is required.

2.0 Synopsis

2.1 The key issues explored below are land-use, design, traffic and highway implications, flood risk, impact on ecology and archaeology. The impact on neighbouring amenity and the surrounding area (including the setting of Streamlines) is also discussed in the report. The report also set out the proposed s106 obligations.

3.0 Site Description and Context

- 3.1 The application site has an irregular shape and extends to some 4.4 hectares. The site is located to the east of Warren Lane and to the north of Dyers Road. The southern part of the site is dominated by a large arable field bordered by mature trees and hedgerows. The northern part of the site comprises a house and vacant kennels, catteries and administrative buildings, together their associated grounds. There is a substantial change in levels across the site; the ground levels change sharply (about a 4m drop) at the juncture between the northern and southern parts of the site. A number of trees are subject to a Tree Preservation Order.
- 3.2 Immediately to the south west of the site are five houses set in landscaped grounds that occupy a triangular piece of land enclosed by the site, Warren Lane and Dyers Road. Dyers Road marks the south eastern edge of the site. The land to the east and to the north is in agricultural and is allocated in the local plan for future residential development. Housing is located to the north of the site and to the north west. To the west of the site is the Lakeland development.

4.0 Description of the Proposal

- 4.1 Full planning permission is sought for the erection of 93 dwellings and associated open space, landscaping, access and car parking. It is proposed that the scheme will provide 19no. 2 bed units, 47no. 3 bed units, 25no. 4 bed units and 2no. 5 bed units.
- 4.2 The main vehicular access to the site will be via a new eastern arm to the Warren Lane / Stanway Western By-pass roundabout. The new access road will serve the majority of this development and will ultimately connect to the adjoining allocated residential development land.
- 4.3 In addition to the main access via the roundabout, it is proposed to serve ten residential dwellings proposed for the north west corner of the site via a simple priority junction with Warren Lane.
- 4.4 The development will provide pedestrian and cycle access points onto the existing highway network on Warren Lane and Dyers Road. A combined pedestrian and cycle path is proposed on the northern side of the spine road.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 Prior Notification of Proposed Demolition of the buildings on the Par Air site – approved November 2015
- 6.2 A formal request for an Environmental Impact Assessment (EIA) Screening Opinion was submitted to the Council in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended in November 2015.

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
 - SD3 - Community Facilities
 - 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
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP1 Design and Amenity
 - DP2 Health Assessments
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP4 Community Facilities
 - 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
 - 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 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:
- Stanway Parish Plan and Design Statement (March 2011)
 - Stanway Southern Slopes Access Brief (May 2011)
 - Community Facilities
 - Vehicle Parking Standards
 - Open Space, Sport and Recreation
 - The Essex Design Guide
 - External Materials in New Developments
 - Affordable Housing
 - Cycling Delivery Strategy

8.0 Consultations

- 8.1 Consultation responses are summarised as follows:

Urban Design Officer

- 8.2 The Council's Urban Design Officer has advised that the scheme is generally of a reasonable standard when assessed against the Building for Life criterion. Detailed comments are summarised as follows:
- The layout, house types and street designs are reasonably structured, composed and inoffensive. Greens provide welcome focus, though the overall impression would appear quite suburban.
 - Buildings predominantly front onto streets and spaces and there is generally good attention to turning corners, though the scheme generally lacks either active continuous frontage or planting to more strongly define streets and spaces.
 - Streets have a clear and logical hierarchy from a traditional highways perspective
 - Car parking generally appears reasonably provided in accordance with ratio and design standards
 - The scheme states the intention to comply with relevant refuse storage/collection and cycle parking
 - Two greens provide welcome visual relief; though the designs might have gone further to promote play and social use (e.g. by the provision of play equipment).
 - Private amenity space appears to meet policy standards, except for flats where balconies might provide a solution.
 - TPO'd trees appear reasonably integrated on the boundaries and on the main green.
 - It's a shame the Victorian house is not retained, albeit it's of no architectural significance

Archaeological Officer

- 8.3 The proposed development site is located in an area of high archaeological importance. There is high potential for encountering below-ground archaeological remains in this landscape setting, which is topographically favourable for early occupation of all periods, at the head of a minor tributary of the Roman River and in a similar landscape context to many known archaeological sites, including the Scheduled Monument at Gosbecks Farm Iron Age and Romano-British site (NHLE 1002180), to the south-east, and Stanway burials to the south.
- 8.4 In order to establish the full archaeological implications of this large area - which has not been the subject of any previous systematic archaeological investigation - the applicant should be required, prior to determination of the application, to provide for an archaeological field evaluation of the site. The area cannot be assessed or approved in my view until a full archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent). This information should be incorporated in the design and access statement, in accordance with the NPPF (paragraphs 128, 129 and 132), in order for the LPA to be able to take into account the particular nature and the significance of any below ground heritage assets at this location. *Officer comment:* Geophysical investigation has now been undertaken and the results are awaited.

Landscape Officer

- 8.5 The Landscape Officer has confirmed that he is broadly content with the landscape content of the proposal and has recommended conditions to cover the detailed landscaping.

Tree Officer

- 8.6 The Tree Officer has confirmed that he is in agreement with the conclusions and recommendations made within the report provided. The proposal does require the felling of numerous trees on the site but these are mainly of low value and as such should not constrain the development. Replacement trees can be provided by condition.

Housing Development Officer

- 8.7 The Housing Development Officer has confirmed that the affordable housing mix (set out below) is acceptable and reflects the mix of market homes in accordance with our SDP in terms of size, bedroom size and location. The following mix is proposed:
- 1 x 2 bed FOG apartments (Type PT21) @ 60m² – Affordable Rent
 - 10 x 2 bed houses (Type PA25) @ 64m² – 8 x AR and 2 x Shared Ownership
 - 8 x 3 bed houses (Type PA33) @ 80.5m² – 6 x Affordable Rent and 2 x Shared Ownership

Environmental Control (General)

- 8.8 No objections subject to condition to cover amenity.

Environmental Control (Contamination)

- 8.9 The Contamination Land Officer has confirmed that based on the information provided to date, it would appear that the site could be made suitable for the proposed use, with provision of the necessary additional information dealt with by way of condition. The model contamination conditions are recommended.

Street Services

- 8.10 No comments received

Highway Authority

- 8.11 The Highway Authority provided comments on the initial planning application submission. The applicant has undertaken the requested changes. A formal recommendation by the Highway Authority on the amended plans is expected prior to the committee.

Highways England

- 8.12 Highways England has raised no objection to this application.

Natural England

- 8.13 Natural England has raised no objection to this application on the basis that the proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England state that they have not assessed this application and associated documents for impacts on protected species and refers the Council to their standing advice. Natural England also note that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.

Lead Local Flood Authority (LLFA)

- 8.14 The LLFA state that they have reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The scheme will be able to use infiltration SuDS and ponds and control the current surface water run-off discharged from the site.
- 8.15 The proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed in the Flood Risk Assessment, Project No. 70002450, dated December 2015, WSP Parsons Brinckerhoff are implemented and secured by way of a planning condition on any planning permission.

Anglian Water

- 8.16 The development [if unmitigated] will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We will request a condition requiring compliance with the agreed drainage strategy
- 8.17 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Environment Agency

- 8.18 No Comments received.

Essex County Council Education

- 8.19 The Education Authority has requested a sum of £116,159 EY&C places and £339,599 for primary places, index linked from April 2015 using the PUBSEC index. They state that the sum requested is calculated in accordance with a formula developed by ECC as stated in Essex Developers' Guide to Infrastructure Funding Contributions 2016 Edition. The formula has been upheld on appeal. Prior to the implementation of the revised Community Infrastructure Levy Regulations on the 6th April 2015 the County Council would have sought a developer contribution from this proposed development for additional secondary school places. However, the implementation of the revised Regulations now restrict the pooling of contributions for a specific item of infrastructure, such as the expansion of a school, to contributions from five separate planning obligations. Under these changed circumstances the County Council has decided not to request a contribution for the provision of additional secondary school places from this proposed development. This is because the scale of this development is relatively small and the impact on pupil places is limited. Seeking contributions from a number of small developments might, in the future, preclude the County Council from seeking a contribution from a larger development, should there already be 5 contributions allocated to a particular project to

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 The Parish Council have no objection to this application but have raised concerns about parking, road widths, density and style of housing and building heights.

10.0 Representations

10.1 9 letters of representation have been received and the comments made can be summarised as follows:

- Stanway is already overdeveloped
- The development is too dense
- The development will result in a loss of privacy (to adjacent dwellings)
- The development will add to traffic congestion
- No provision is being made for additional school place or open space
- The development will devalue existing properties
- The development will cause light pollution
- The development will adversely affect the setting of Streamlines, an Art Deco building of local note

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

11.0 Parking Provision

11.1 See paragraphs 15.41 – 15.44

12.0 Open Space Provisions

12.1 See paragraph 15.18 below

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 considered that the following Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 0.

- Affordable Housing - 20% (19 units).
- Education - £116,159 for 8.3 additional EY&C places and £339,599 for 28 primary places
- Community Facilities - Extension to the Lakelands community centre - £135,000
- Open Space - Strategic Open Space £328,000 + £73,332 for the off-site provision of a NEAP.

15.0 Report

The Proposal

- 15.1 Planning permission is sought for the erection of 93 dwellings comprising 19no. 2 bed units, 47no. 3 bed units, 25 no. 4 bed units and 2no. 5 bed units and associated landscaping, amenity space and infrastructure.

The Principle of Development

- 15.2 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is also reflected in guidance set out in the NPPF. The Council is in the fortunate position of having a suite of up-to-date and fully adopted Development Plan Documents, including a Core Strategy, Site Allocations and Proposals Maps and Development Plan Policies (DPD). The Council has also adopted a Supplementary Planning Document called Stanway Southern Slopes Access Guidance (2013).
- 15.3 The Council's Core Strategy provides the overarching policy direction for the local plan and for the delivery of development, infrastructure, facilities and services in Colchester to 2021 and 2023 for housing. Policy SD1 of the Core Strategy promotes sustainable development and identifies broad locations for growth. Five main locations are identified, including the Stanway Growth Area, of which the application site forms part. Policy SA STA1 of the adopted Site Allocation Plan identifies appropriate uses within the Stanway Growth Area. The application site is an identified greenfield site and is allocated for residential development. Policy SA STA2 states that development on greenfield sites is not expected to commence delivery until 2016.
- 15.4 Given the above, there is not an objection in principle to this site being developed for residential development. The proposal is in principle in conformity with the local plan.

Design

- 15.5 Core Strategy Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 7 of the NPPF establishes the importance the Government attaches to the design of the built environment, with paragraph 58 setting out relevant criteria. Paragraph 64 explicitly states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 15.6 The submitted Design and Access Statement explains that the proposed scheme has been designed to take account of the constraints and opportunities presented by the site, the creation of the Stanway Southern Sites Access Road and the desire for the development to create its own distinctive character. The northern part of the site is composed of a small group of two storey detached and semi-detached houses arranged around a cul-de-sac, with the retained trees acting as a backdrop to the new street scene. On the southern part of the site, the spine road and the public open space provide the setting for 2½ and 3 storey buildings. These buildings are arranged in short terraces and as semi-detached buildings to create a strong defined frontage to the spine road. The taller buildings also guide visitors into the site, using their scale to highlight the position of the entrance and the eastbound route of the spine road. Away from the spine road the buildings are 2 and 2.5 storeys in height and are generally

composed of semi-detached and detached units. The arrangement of these buildings has a looser organic character. With regard to the design of the proposed houses, the buildings adopt traditional forms with contemporary detailing.

- 15.7 The design and layout of the proposed development is considered to conform with the aforementioned development plan policies and the guidance set out in the NPPF.

Residential Amenity

- 15.8 Development plan policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks 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. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.9 Objections have been made by local residents regarding the loss of private amenity to adjacent properties, most notable to The Burrows to the north west of the site and to Streamlines to the south of the site. Concern has also been raised regarding noise and disturbance from construction and additional residential traffic.
- 15.10 The Essex Design Guide considers that where properties are set parallel to one another a back- to- back of 25m is sufficient to protect private amenity. The Design Guide goes on to state that where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. With regard to the impact on light, the Essex Design Guide notes that the Building Research Establishment's Report Site Layout Planning for Daylight and Sunlight 1991 suggests that acceptable daylight in interiors is achieved if a 25° vertical angle from a point two metres above the floor is not obstructed.
- 15.11 Plot 6 and 7 are located adjacent to the west boundary of The Burrows, which is formed by an existing hedge. Plot 6 is located 23m from The Burrows and the rear elevation is set at an angle to this property. Whilst the relationship between these plots is not considered to infringe the above guidance, Taylor Wimpey has agreed to redesign this unit so that there are no first floor windows facing towards The Burrows thus removing the perception of overlooking. Plot 7 is located some 27m from the rear elevation of The Burrow and is again set at an angle to this property. The building is not considered to have an adverse impact of the private amenity of The Burrows. Plots 63-70 are set at 90 degrees to the north boundary of Streamlines and are (at their nearest point) some 12m from the boundary hedge and some 26m from the side elevation of Streamlines. The juxtaposition between the existing and proposed houses is not considered to conflict with the above guidance.
- 15.12 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

Landscape

- 15.13 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Policy DP1 requires new developments to respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area. Central Government guidance on conserving the natural environment is set out in section 11 of the NPPF.
- 15.14 The submitted Tree Survey and Arboricultural Impact Assessment provide details on the tree stock, which trees should be retained and how they should be protected. The Council's Tree Officers have reviewed these documents and has confirmed that he is in broad agreement with its conclusions.
- 15.15 The proposed development retains the main group of trees (to the north of the proposed spine road) and the majority of the trees and hedgerow to the field boundaries. The hedgerow to Dyers Road (that forms the southern boundary of the site) has been assessed as being an important hedgerow. To facilitate the construction of the access (and the associated sight lines) it is necessary to lose one category B tree and the hedgerow to the western boundary (Warren Lane).
- 15.16 The Council's Tree Officer and Landscape Officer have been involved throughout the evolution of the design of this scheme and their advice has been instrumental in shaping the layout of the development and the landscape features that have been retained and are being proposed.
- 15.17. The design and layout of the proposed development is considered to respect and enhance natural features that contribute to the character of the site and, as such, are considered to accord with the requirement of Policy DP1, ENV1 and the NPPF.

Open Space

- 15.18 Development Plan Policy DP16 states that new residential development should provide both private amenity space and public open space. DPP DP16 sets out a range of garden sizes which are as follows for houses:

- One or two bedroom houses – a minimum of 50m²
- 3 bedroom houses – a minimum of 60m²
- 4 bedroom houses – a minimum of 100m²

With regard to public open space, Policy DP 16 states that open space provision will depend on the location of the proposal but as a guideline, at least 10% of the gross site area should be provided as useable open space.

- 15.19 The garden sizes to the majority of the dwellings comply with the provision of DP16. The exceptions to this are units 89 to 91 (which range between 80 and 93sqm (as opposed to the required 100sqm) and the two flats over the garage buildings which have no private amenity space. The reason for the gardens to plots 89-90 being slightly smaller than the adopted standards is due to the constraints imposed by the alignment of the new spine road and the desire to ensure that this road is positively fronted by the new housing. In this instance, the need to create a high quality townscape setting for this development is considered to outweigh the normal requirement to strictly adhere to Policy DP16. With regard to flats over the garages, it

is not usual for this type of unit not to be provided with a private garden. The comments made by the Council's Urban Design Officer are noted in respect of the suggestion that these units are provided balconies. Should Members consider the provision of balconies to be appropriate then a condition could be attached accordingly.

- 15.20 With regard to public open space, the proposed development incorporates public open space amounting to 0.7 hectares. This equates to around 15.99% of the total site area and therefore exceeds the minimum 10% requirement specified within Policy DP16. A further 0.2 hectares of incidental landscaping is proposed across the site. The comments made regarding the play facilities on site are noted. Indeed the possibility of providing a LEAP on site has been explored with the applicant. It has not however been possible to provide a play area on site that would comply with the minimum distance from the proposed residential unit. For this reason, a commuted sum has been sort for the off-site provision of a LEAP (improvement to an existing play facility) (together will a financial contribution towards strategic sports and recreational facilities). The proposed development is considered to fully mitigate its impact in terms of play, recreation and open space provision.
- 15.21 For the reasons given above, it is considered that this development is acceptable in terms of the policy requirement for the provision of private amenity space, public open space and play and recreation provision.

Ecology and Biodiversity

- 15.22 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Development Plan Policy DP21 seeks to conserve or enhance biodiversity.
- 15.23 No statutory designated sites occur within the site or adjacent to it; one non statutory site (Stanway Pits) is situated c. 120m from the site. Natural England has confirmed that the site does not affect a designated site.
- 15.24 The application is supported by an Ecological Report, which includes extended surveys for bats, reptiles, badgers, birds and invertebrates. This report explains that hedgerows and tree lines along the boundaries are likely to hold significant ecological value in their local context and provide opportunities for a range of wildlife including reptiles, bats and potentially nesting birds. The report notes that some of the existing mature trees and hedgerows are to be removed to facilitate access into the site and states that it will be important that the detailed landscape scheme includes mitigation proposals to compensate for the loss habitat through the provision of compensatory habitat creation that is equal to or greater value, elsewhere on site.
- 15.25 It is clear from the ecological survey work that the site (or more particularly the boundary margins) has high ecological significance in the local context. The layout of the proposed development has been informed by the ecological work and there is the potential for development to mitigate and enhance the ecological and biodiversity of the site.
- 15.26 The current planning application is considered to accord with CS ENV1, DPD Policies DP1 and DP21 and paragraph 118 of the Framework which requires planning application to conserve or enhance biodiversity interest

Archaeology and Heritage

- 15.27 This application is supported by a Desk Based Archaeological Assessment prepared by CgMs Consulting. The Report states that the Site can be defined as containing no designated archaeological heritage assets of national importance.
- 15.28 The Council's Archaeological Officer has advised that the application site is located in an area of high archaeological importance and that there is high potential for encountering below-ground archaeological remains. The archaeological officer states that the area has not been the subject of any previous systematic archaeological investigation and that the full archaeological implications of this site need to be established prior to the application being determined. These accords with the advice as set out in the NPPF which requires the Local Planning Authority to take into account the particular nature and the significance of any belowground heritage assets at this location.
- 15.29 In light of the above, the applicant's archaeological consultant has discussed and agreed the scope of the additional archaeological survey work required. This additional survey work is currently being undertaken and the results are expected prior to the committee meeting.
- 15.30 The comments made about the heritage importance of Streamlines are fully appreciated. Streamlines is not a designated heritage asset (i.e. it is not a listed building); it can however be classed as a non-designated heritage asset (i.e. it is of local architectural or historic interest. In respect of non-designated heritage assets, the NPPF states:
- 15.31 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 15.32 Streamlines is a pleasant building designed in an Art Deco style. The building is set in comparatively extensive grounds and benefits from a wider open countryside setting. It is considered that the significance of Streamlines stems from the architectural design of the building rather than its wider landscape setting. The proposed development will not have a direct impact on Streamlines (i.e. it will not result in the physical alteration of the building). With regarding to the setting of Streamlines, it is accepted that the current open semi-rural will change as a consequence of this site being redeveloped. It is however important to remember that this site is allocated for residential development and therefore there can be no objection in principle to the current proposal. In this context, it is not considered the scale and form of the proposed development is so significantly harmful to the setting of Streamlines to justify the application being refused.
- 15.33 Subject to the outcome of the additional archaeological survey work, it is considered that there is no significant conflict with the intentions of the development plan or the NPPF in respect of heritage assets.

Transport and Accessibility

- 15.34 Core Strategy Policies TA1 – TA4 seeks to improve accessibility and change travel behaviour. Policy STA4 of the Site Allocations document states that all new developments in the SGA will be expected to contribute to sustainable transport measures. Development Plan Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraphs 29 to 41 of the NPPF provide guidance on transportation matters; the NPPF states that planning applications should only be refused on transport grounds where the development would have a severe impact. Development Brief for Stanway Southern Sites Access is also a material consideration. The Brief seeks to provide a coordinated and comprehensive approach to the access arrangements within the Stanway Growth Area.
- 15.35 The majority of the site will be served from the existing roundabout in Warren Lane, which will be remodelled to accommodate the new arm. It is proposed that the spine road will initially be a cul-de-sac with a temporary turning head at the eastern site boundary, to accommodate the turning movements of refuse and emergency vehicles. In the fullness of time, it is intended that the spine road will continue on through the Stanway Growth Area to the Fiveways junction. The route of the proposed spine road accords with the principles set out in the adopted Brief. It is proposed that some the houses (within the application site) will take direct access from the new spine road; others will be served roads and drives that spur off the spine road. The spine road is designed as bus route and bus stop locations are indicated on the layout plan.
- 15.36 The small group of ten houses at the northern end of the site are served by a simple priority junction that re-uses the existing point of access. The route of the existing driveway will be retained to link the northern part of the site to the main body of the development via an area of public open space.
- 15.37 In terms of pedestrian and cycle access, the development fully integrates with the existing highway network on Warren Lane. On the north side of the proposed spine road a combined pedestrian / cycle route is proposed. An access point is also proposed for pedestrian and cyclist (only) onto Dyers Road. The pedestrian and cycle links will provide opportunities for the residents to walk and cycle to local facilities.
- 15.38 To help encourage modes of transport other than the private car, it is proposed that Residential Travel Information Pack to all new residents. This is to be secured by condition.

- 15.39 The concern expressed by local residents in respect that the impact that this development will have on the surrounding roads are appreciated. The responsible authorities: Highway England (responsible for the strategic road network) and the Highway Authority (responsible for the local highway network) have not raised an objection to this application on the grounds of highway safety or capacity. The local Highway Authority has requested a number of minor amendments to the layout of the proposed which have been undertaken by the developer. A formal consultation response from the Highway Authority is expected prior to the committee meeting.
- 15.40 Given the above, it is considered that the proposed development accords with relevant development plan policies and national planning policy guidance set out in the Framework.

Parking

- 15.41 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Development plan policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.42 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this provision visitor parking at a ratio of 0.25 spaces per unit is required. In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided.
- 15.43 Each property is provided with a minimum of two allocated parking spaces through a combination of garages, private driveway and/or parking courts. In addition to the private parking spaces 23 visitor car parking spaces are also provided. Each house is provided with a secure cycle parking either within a garage (policy compliant in terms of its internal dimension) or within garden sheds.
- 15.44 The proposed parking provision is considered to accord with the requirements of Policy DP19 and the adopted parking standards.

Hydrology and Drainage

- 15.45 Core Strategy policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. Development policy DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.

- 15.46 The supporting Flood Risk Assessment and Drainage Strategy prepared by WSP confirm that the Site falls within Flood Zone 1 and is at minimal risk from surface water flooding. The Report demonstrates that there have also been no instances of historical flooding at the site and concludes that the site will be at low risk of flooding from all sources following implementation of the sustainable drainage strategy and identified mitigation measures.
- 15.47 The development proposal has been subject to pre application discussion with the relevant drainage and flood authorities. An integral part of the proposal is to provide a flood attenuation feature in the southern part of the site and has been sited to take advantage of the natural topography of the land.
- 15.48 Lead Local Flood Authority has advised that the proposed surface water drainage scheme demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere and that scheme will be able to use infiltration SuDS and ponds and control the current surface water run-off discharged from the site. Anglian Water has advised that the foul drainage from this development is in the catchment of Colchester Water Recycling Centre and that there is capacity to accommodate flows from this development. Anglian Water that there is a feasible mitigation solution to ensure that the development does not have an adverse impact..
- 15.49 The submitted evidence indicates that there are effective mitigation measures to avoid any increase in flood risk and, as such, the development will not conflict with the intentions of the development plan or the Framework in respect of flood risk

Air Quality

- 15.50 The Core Strategy contains policies for the delivery of development, infrastructure, facilities and services in Colchester to 2021. The Council does not have any specific policies on air quality within the Core Strategy; Policy TA4 however states that "The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character." The adopted Colchester Borough Council - Air Quality guidance note is a material consideration.
- 15.51 A qualitative assessment of the potential impacts on local air quality from construction activities has been carried out for the proposed development. This assessment states that the development is considered to be a Medium to Low Risk site for dust deposition and that the effects of emissions to air from construction vehicles and plant on local air quality is Low to Negligible Risk Site. The report goes on to state that through good site practice and the implementation of suitable mitigation measures, the effect of dust and emissions from construction vehicles can be significantly reduced so that the effects are insignificant. / negligible. The Environmental Protection has not raised any issues with the submitted air quality report.
- 15.52 It is considered that the proposed development is consistent with the requirements of the Council's adopted development plan policies, supplementary planning guidance and the Framework as regards to air quality impacts

Contamination

- 15.53 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.
- 15.54 The desk top based contamination report accompanying this application concludes that there is potential for the site to contain contamination and on this basis recommends that further investigation work is undertaken. The Council's Contamination Land Officer agrees with the conclusions of the submitted report and has recommended conditions to provide a framework for further assessment, and remediation works.

S106 Obligations

- 15.55 Policy SD2 of Colchester's Core Strategy provides that new development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. This policy goes on to state that the Council will seek to employ standard charges where appropriate to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. The viability of developments will also be considered when determining the extent and priority of development contributions. Further policies on specific topic areas are provided within the Core Strategy and the Development Plan Policies (for example on affordable housing, health, community facilities and open space etc.).
- 15.56 The Framework provides guidance on when planning obligations should be used. Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 15.57 The Council's Development Team considers all major planning applications submitted to this Council and makes recommendations in respect of priorities for s106 obligations. The Development Team considered this application in January 2016 considered that the following obligations were required to mitigate the impact of this development proposal:
- Affordable Housing - 20% of units (19 comprising 1 x 2 bed FOG apartments (Type PT21)– Affordable Rent; 10 x 2 bed houses – 8 x AR and 2 x Shared Ownership; 8 x 3 bed houses– 6 x Affordable Rent and 2 x Shared Ownership
 - Education - £116,159 for 8.3 additional EY&C places and £339,599 for 28 primary places
 - Community Facilities - Extension to the Lakelands community centre - £135,000
 - Open Space - Strategic sport and recreation facilities £328,000 (improvements and maintenance of the Stanway Country Park) and £73,332 for the off-site provision of a NEAP (improvement of the existing play area at Swift Avenue). The

on-site open space is to be maintained by a management company. The open space is to be available in perpetuity for free public use.

15.58 The applicant has been advised of the above obligations and has not raised an objection to them.

15.59 In addition to the planning obligations requested by the Development Team, it is also recommended that there is an obligation requiring the construction of the spine road in a timely manner and that this road is continued to the site boundary to ensure that the adjacent development site is not held to ransom.

16.0 Conclusion

16.1 The current application will deliver 93 residential units and provide a choice of housing types with a range of prices in a sustainable location. The development will contribute positively towards the Borough's supply of housing. There would be economic benefits as a result of construction activity and the possible creation of additional jobs. There is sufficient evidence to be confident that overall the development would not cause significant harm to ecology, flood risk, air quality or would not have a severe impact upon the highway network; in terms of capacity or safety.

16.2 The Framework has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials. It is considered that the benefits of the scheme significantly outweigh by any adverse impacts and, as such, Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions heads and the signing of the s106 agreement

17.0 Recommendation

17.1 It is recommended that, subject to the Council's Archaeological Officer and the Highway Authority not raising any objection (that cannot be resolved by a condition), the Head of Commercial Services is authorised to enter into and complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting to provide the following:

- Affordable Housing - 20% (19 units – units are to reflect the private sale mix or such other mix as agreed by the Council's Housing Development Officer).
- Education - £116,159 for 8.3 additional EY&C places and £339,599 for 28 primary places
- Community Facilities - Extension to the Lakelands community centre - £135,000
- Open Space - Strategic sport and recreation facilities £328,000 (improvements and maintenance of the Stanway Country Park) and £73,332 for the off-site provision of a NEAP (improvement of the existing play area at Swift Avenue).
- On-site open space to be maintained by a management company. The open space is to be available for free public use in perpetuity.
- The timely delivery of the spine road to the site boundary
- All sums to be index linked

- 17.2 In the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Head of Commercial is authorised at his discretion to refuse the application.
- 17.3 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions heads:
- Time Limit for Full Permissions (standard)
 - Development to Accord With Approved Plans (standard)
 - Site Levels
 - Drainage (as recommended by the LLFA)
 - Flooding (as recommended by the Anglian Water)
 - Materials Shown on Plan to be Excluded (standard)
 - Architectural Details to be agreed
 - Boundary walls to be constructed of brick
 - Tree Protection and Monitoring (standard)
 - Landscape Proposals (standard)
 - Landscape Management Plan (standard)
 - Ecology Mitigation and Enhancement (non-standard)
 - No occupation until roundabout has been completed (non-standard)
 - Estate Carriageway Construction (standard)
 - Car parking spaces to be retained
 - Travel Plan (standard)
 - Cycle Parking (non-standard)
 - Construction Method Statement (non-standard)
 - Contamination (standard)
 - Removal of PD Rights for extensions

18.0 Informatives

- (1) 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) 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****.

19.0 Positivity Statement

- 19.1 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.