



**Application No:** 152268

**Location:** Northfields (Formerly Turner Village), Turner Road, Colchester

**Scale (approx):** 1:1250

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# Committee Report

Agenda item

7

To the meeting of **Planning Committee**  
on: **7<sup>th</sup> January 2016**  
Report of: **Head of Professional/Commercial Services**  
Title: **Planning Applications**

**7.1 Case Officer: James Ryan**      **Due Date: 18/01/2016**

**MAJOR**

**Site:**                      **Northfields (Formally Turner Village), Turner Road, Colchester**

**Application No:**    **152268**

**Date Received:**    19 October 2015

**Agent:**                      Mr James Iles, Terence O'Rourke Ltd

**Applicant:**                Galliford Try Partnerships/Linden Homes Easternr

**Development:**        Variation of condition 2 (Approved Plans) of planning permission 091169.

**Ward:**                      Mile End

**Summary of Recommendation:** Conditional Approval subject to signing of Section 106 Agreement

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

- 1.1 This application is referred to the Planning Committee because it is a Major application with a linking Section 106 agreement to the main Section 106 agreement for the Northfields Site.

## **2.0 Synopsis**

- 2.1 The key issues explored below are the impact of the reallocation of the parking spaces, the reduction in cycle parking and the other minor changes to the built form on site.
- 2.2 It is concluded that these minor alterations are acceptable and approval is recommended.

### **3.0 Site Description and Context**

- 3.1 The site comprises the wedge of land south of the hospital between the Northern Approach road and Turner Rise. The previously approved scheme is virtually built out.

### **4.0 Description of the Proposal**

- 4.1 This application seeks to make a number of minor variations to the approved scheme. This involves reallocating some parking spaces and providing a net increase in spaces, reducing the internal cycle parking provision from 75 to 50 spaces, some minor elevational changes to one of the apartment blocks, the removal of balconies to allow extra internal space and the removal of a small retaining wall which was not needed.

### **5.0 Land Use Allocation**

- 5.1 The site is allocated for residential development.

### **6.0 Relevant Planning History**

- 6.1 The key piece of planning history of the site is the approval 091169 which granted consent for the wider scheme that can be seen reaching completion on site today.

### **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 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  
UR2 - Built Design and Character  
TA2 - Walking and Cycling  
TA5 - Parking

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP19 Parking Standards

- 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:

N/A

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

- Community Facilities
- Vehicle Parking Standards
- Cycling Delivery Strategy

- 7.6 Village Design Statements

Myland Community Council has a Village Design Statement and therefore that is also relevant to this scheme.

## **8.0 Consultations**

- 8.1 Essex County Council Highways – No objection.

- 8.2 Essex County Council SuDS – No objection.

- 8.3 Environmental Protection – No comment.

- 8.4 Landscape Officer – No objection - The landscape content/aspect of the varied concept proposals lodged on 21.10.15 would appear broadly satisfactory. This assumes that any detailed landscape proposals for these variations will be secured under a change to any agreed landscape deposit for this phase and submitted under conditions 13 & 16 of O/COL/02/0563.

- 8.5 Tree Officer – No objection.

- 8.6 Colchester Cycling Campaign – No comments.

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 stated they have no objection to the scheme.

## **10.0 Representations**

- 10.1 No representations were received. It is noted that at validation stage a number of dwellings within the red line were not consulted as is normal practice. However as some of the minor changes may affect the residents of the dwellings within the site, this has been rectified at the time of the publication of this report. Any comments received will be reported on the update sheet. It is noted that these residents had notice served on them from the applicant via the correct method prior to the application being made (on the 13/10/15) and were also written to by the applicant on the 15/10/15 to let them know the application had been made.

## **11.0 Parking Provision**

- 11.1 One of the changes proposed relates to the on-site parking. The scheme proposes to re-allocate some parking from residents to visitors as this is in a position that is more useful to them and relatively remote from the dwellings the pots were allocated to.
- 11.2 What were visitors' spaces will become allocated spaces. This is a sensible arrangement as the new allocated spaces have been intentionally positioned near to the relevant dwelling. Four new parking spaces are also proposed. This results in a minor increase in overall parking provision. The spaces are of sizes that do not all accord with the adopted standards: One of the parallel spaces is 6 metres by 2.9 metres which is acceptable; one of the splayed 'nose-in' spaces is 5.5 metres by 3 metres which is also fine. The other two 'nose in' spaces are 4.9 metres by 2.4 metres which is slightly undersized. As these are entirely workable and are additional to those already approved the scheme is held to be acceptable in parking terms.
- 11.3 Another change is to the on-site cycle parking. Whereas there were to be 75 cycle parking spaces in a dedicated ground floor section of apartment block J; due to additional space for the plant room there is only the opportunity to provide 50. This is still a useful secure and covered cycle parking provision which means that there are 46 residential units having access to 50 secure cycle parking spaces.

## **12.0 Open Space Provisions**

- 12.1 None change from approved scheme.

## **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 Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be: A linking agreement to the existing section 106. This has been agreed and is in the process of being signed.

## **15.0 Report**

### Design and Layout

- 15.1 Elevational Changes – The proposed elevational changes relate to apartment block 'J' which is located inside the apex to the southernmost point of the site. The changes involve the shifting of external walls out by 500mm on one area where there was a recess (on the west elevation) and pulling the whole north elevation out by 500mm. These changes are required to provide internal space standards as required by the Housing Association. In architectural terms this will have very limited impact on the way the building appears as the west elevation has elements that are recessed and

also elements that are flush with the outermost section of the walls – therefore the application will simply change the proportion of flush to recess. Pulling out the northern elevation will barely be visually perceptible. A minor change is also proposed to an eaves detail. These changes are all considered to be acceptable in design terms.

- 15.2 Retaining Wall – A small section of retaining wall as originally proposed was not needed on site due to a lack of level change. This is acceptable.
- 15.3 Rear Door Position – A change to the position of the rear door serving the cycle store and plant room is very minor and is therefore acceptable in design terms.
- 15.4 The changes in parking allocation and the additional spaces have been dealt with in the relevant section above.

#### Scale, Height and Massing

- 15.5 The scheme raises no issues in this regard.

#### Impact on the Surrounding Area

- 15.6 The scheme will have no material impact on the surrounding area.

#### Impacts on Neighbouring Properties

- 15.7 The scheme will have no material impact on neighbouring properties.

#### Amenity Provisions

- 15.8 The scheme will have a material impact on the on-site amenity provision. The removal of part of the recess in the west wall of apartment block 'J' to provide extra internal space will result in the loss of four balconies. These will be replaced with Juliet Balconies. This will result in four flats which, whilst they will have full height doors that will open to balustrading, will not have external amenity provision in the shape of a balcony. The agents have stated the following:

*'We write on behalf of our Client, Icen Homes Limited to confirm that during August 2013, we were aware of and in agreement to the apartment size revisions.'*

- 15.9 Whilst it is unfortunate that four flats will not have external space and therefore fail to comply with adopted policy DP16, the requirements of the housing association are important and are offset by the increase in size of internal flat floorspace. The agent has stated:

*'It was necessary for the apartment sizes to be increased to ensure that the Homes and Communities Agency's minimum space standards were achieved.'*

- 15.10 In this location close to the leisure amenities afforded by Highwoods Country Park which is a short walk away, it is not considered to warrant a refusal of the scheme. It is noted that as approved the ground floor flats did not have private amenity space and therefore this situation is not unique on this block.

## Highway Issues

- 15.11 The Highway Authority has raised no issues with the reallocating of the parking spaces and the reduction of cycle parking. On that basis the scheme is held to be acceptable in highway terms.

### **16.0 Conclusion**

- 16.1 The changes proposed are material but are minor and therefore an approval is warranted.

### **17.0 Recommendation**

- 17.1 APPROVE 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. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- *A linking agreement to the main legal agreement for the site.*

- 17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

APPROVE subject to the following conditions

### **18.0 Conditions**

#### **1 - Time Limit for Full Permissions**

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 - \*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 188202

P2001 Rev H

P2003 Rev G

P2004 Rev G

P2005 Rev F

P2006 Rev F

P2030 Rev F

P2031 Rev F

P2032 Rev F

P2130 Rev D

P2131 Rev D

P2132 Rev D

P2133 Rev C

P2134 Rev E

P2135 Rev E

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

### 3 - Non-Standard Condition/Reason

Apart from condition 2 which is hereby varied, all other conditions attached to planning approval 091169 shall remain in force and must be complied with.

Reason: As a Section 73 application to vary the plans condition of application 091169 that is the basis on which this application has been assessed and therefore this condition is needed for the sake of clarity.

### 4 - Non-Standard Condition/Reason

No changes are hereby approved apart from those set out in the supporting document submitted with the application titled "Design Note" Ref: 188202/5.2.

Reason: As the application has been made and therefore assessed on this basis this condition is needed in the interests of clarity.

## 19.0 Informatives

### (1) **ZT0 – Advisory Note on Construction & Demolition**

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

### (3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

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

(4) PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

## 20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.