

7.1 Case Officer: Vincent Pearce

Due Date: 22/03/2016
(extension of time agreed)

Site: Parcel SR6, Tollgate Road, Stanway, Colchester

Application No: 152817

Date Received: 22 December 2015

Agent: Mr Paul Dunthorne

Applicant: Flagship Housing Group Ltd

Development: Reserved Matters application for approval of 28 affordable dwellings on parcel SR6 including access, appearance, landscape, layout & scale.

Ward: **Marks Tey & Layer** (formerly Copford & West Stanway)
Stanway
[proposal straddles two wards (as above) but one parish (Stanway)]

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because Councillor Kevin Bentley has conditionally 'Called-In' the application if the recommendation is to approve which in this case it is. Councillor Bentley states:-

" I wish to call this application in on the following grounds: Design, appearance and layout being too crammed in to a very small space. Impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise, disturbance, smell or nuisance for the reason that this area would severely affect the visual impact of housing nearby not to mention this area has been designated as open space on the Council's own website. Highway safety and traffic for the reason that the small double mini-roundabout near the site is already heavily used and at many times already difficult to access and egress from the existing Lakelands 1 development. "

1.2 Councillor Bentley has indicated that he believes it is essential that the Committee undertakes a site visit to understand the issues further stating:-

"It is important that Members can see the small parcel of land and then observe the plans for the site for the number of dwellings to gauge how unsustainable this land is for development and the pressure increased traffic would bring to the area"

1.3 Councillor Bentley has 'called-In' the application on behalf of residents of Lakelands and has indicated that he has no 'Interest*' in the application from the sense of the Council's Code of Conduct for Councillors.

[note for the public: 'Interest' is used in paragraph 1.3 above in its legal sense. Councillors are required to declare whether they have an 'interest' in a matter (especially when decisions are being taken). An 'interest' in this sense can be defined as a direct or indirect stake in a decision from financial [pecuniary], personal or other standpoint. The declaration of an interest ensures that the public can have confidence that the councillor making the declaration is putting the public interest first and not benefitting the financial affairs of themselves or their spouse or civil partner from which the councilor would stand to gain. It is not used to imply that Councillor Bentley is disinterested as this is clearly not the case as can be seen from his comments reported in paragraph 1.1]*

2.0 Synopsis

2.1 It is considered that amongst the main planning issues are:-

- The acceptability (or not) of residential use 'in principle' on this site, part of which is shown on the current Proposals Map (2010) as Open Space
- The significance of the 2010 Masterplan which superseded the original 2002 version in facilitating the residential use of all of SR6 and the circumstances of its approval
- The quality of design & layout achieved in the context of the approved 2010 masterplan, Council policy and the context of adjoining properties
- Appropriateness of the number and design of car parking spaces to be provided judged against the Council's Adopted Parking Standards and the requirements of the outline planning permission
- Extent to which the Council's adopted amenity standards and general amenity expectations are met (or not)
- Highway safety and efficiency considerations
- The extent to which the proposal conforms to adopted affordable housing policy and associated SPD

2.2 That said this report will not restrict itself to a consideration of the above issues but will encompass an exploration all relevant material planning considerations.

2.3 This report concludes that residential development of all the site is permitted under the outline planning permission of 2012 (121040/1210410 and as a result of the 2010 masterplan approved by condition in 2010 and that the proposed reserved matters are acceptable and that they be approved.

3.0 Site Description and Context

3.1 This site straddles two ward boundaries. The northern section sits within the new ward of Marks Tey and Layer (formerly Copford and West Stanway) and the southern section rests within Stanway. The division reflects the former line of Church Lane before its realignment as part of the Lakelands/Western By-pass development. (figure 1 identifies the boundaries)

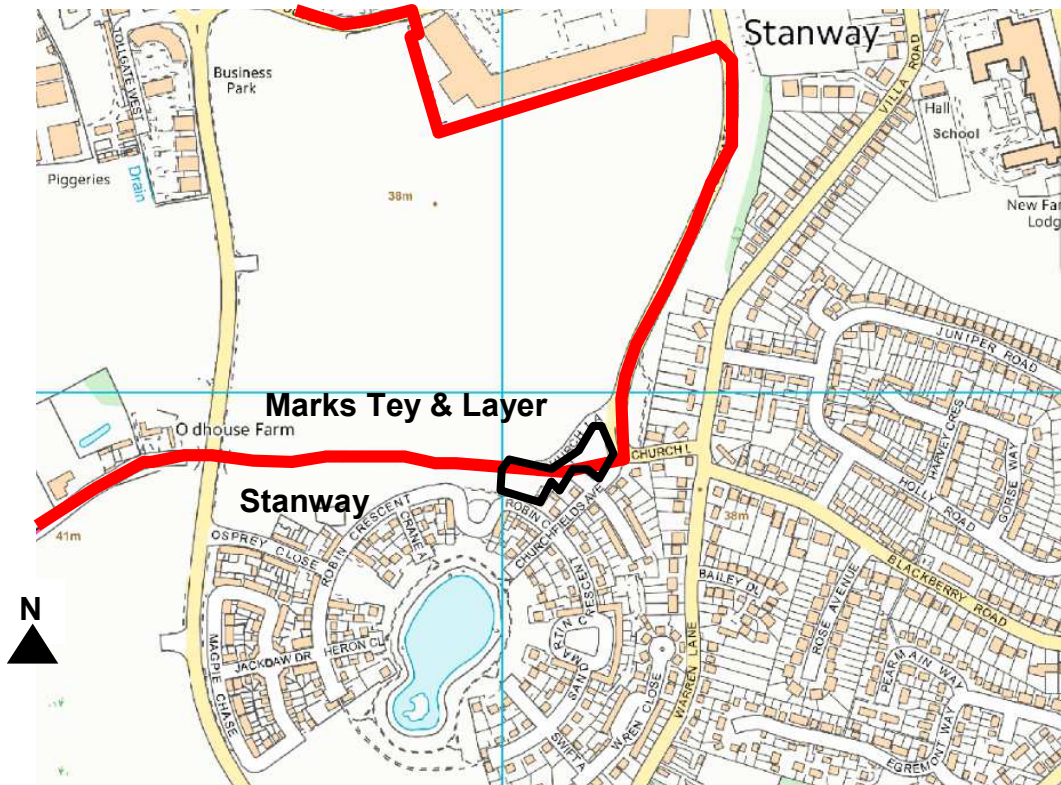
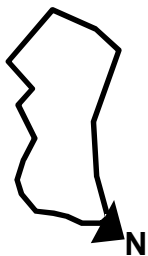


Figure 1: The site in relation to Ward boundaries

3.2



This ear-shaped site falls naturally into two parts. The smaller northern tip (the ear lobe) is effectively an island bounded by Church Lane (N), Tollgate Road (E), Churchfields Avenue (SE) & Partridge Way (SW). It is currently a shallow grassy mound. Levels on the Churchfields Avenue edge of the site cluster around the 37.5m mark with the opposite edge fronting onto Church lane dropping away to around 35m. This parcel is separated from the larger western parcel by an existing pavement beyond which the land drops more steeply from some 35.5m to 33.5m before falling away more gradually to the south-west and west (26.5m)

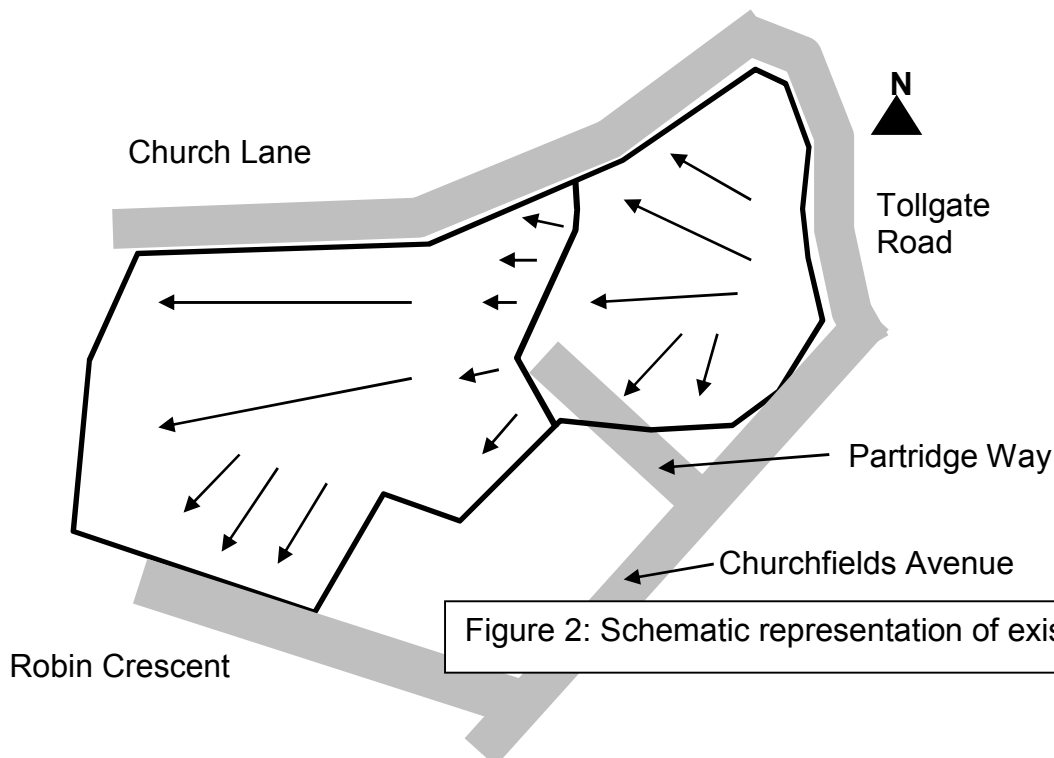


Figure 2: Schematic representation of existing levels

4.0 Description of the Proposal

4.1 The proposal represents a reserved matters submission comprising the construction of 28 affordable dwelling units following the grant of outline planning permission for residential development in June 2012. (ref: 121040 & 121041). The permission required the submission of Reserved Matters within four years of the date of the planning permission of 6 June 2012. The current Reserved Matters application was submitted 18 December 2015 within the valid submission period.

4.2 The following mix of accommodation is proposed:-

- 1 x 2-bedroom four person life time home bungalow
- 2 x 2-bedroom four person house
- 6 x 3-bedroom five person house
- 8 x 1-bedroom two person house
- 10 x 2-bedroom two person house
- 1 x 1-bedroom two person flat over garage (fog)

TOTAL 28 units

4.3 The proposed development provides two parcels of publicly accessible amenity space within the application site over and above the open space provided as part of the wider Lakelands development. These will be described in more detail later in this report.

4.4 The applicants Flagship Group have a conditional land contract with O&H (the landowners), one of the conditions being satisfactory reserved matters being granted.

4.5 The scheme is currently funded and Flagship intend carrying out the development (if approved) as part of a wider contract to develop affordable housing on this and two other sites on Lakelands. (the other two already having the benefit of reserved matters approval)

4.6 Whilst the project is funded the contract cost rose in March 2016 due to the original quote expiring without the current application being determined. That was some six months ago. With project funding now at risk for the three sites within this group (including SR6) the application is being brought to a special committee meeting

5.0 Land Use Allocation

5.1 **Adopted Local Plan 2010:** The site is shown on the Proposals Map of the Current Adopted Local Plan as:-

Part RESIDENTIAL & Part OPEN SPACE

STANWAY GROWTH AREA

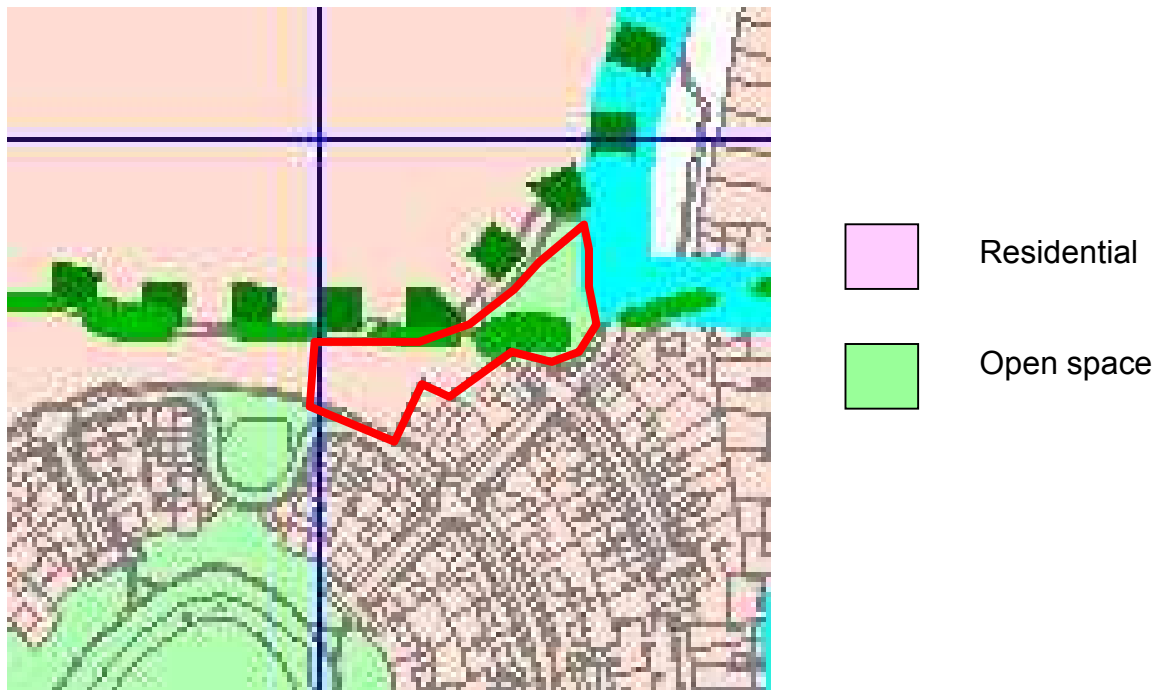


Figure 3: Extract from Adopted Proposals Map (2010)

- 5.2 In his first Written Legal Opinion of 10 March 2016 Simon Pickles (Barrister) advises the Council as to the status of the Proposals Map, particularly insofar as it shows part of the application site to be allocated as open space. He states

“ The Local Plan including the Proposals Map remains, of course, part of the development plan, in accordance with which any future application for planning permission should be determined unless other material considerations indicate otherwise. The fact that the site is shown for residential development in [the Lakelands 2 Design & Access Statement of July 2010] is, however, a powerful ‘indication otherwise’ whilst permissions 121040 & 121041 remain current and constitute the lawful fall-back position. The Council is not required to take any action now in response to the situation arising, though it will wish to consider how development of the site should be reflected in any policy review.

- 5.3 **Preferred Options Aug 2016:** “WC2: Land between Church Lane, Churchfields and Partridge Way *[note to readers this is part SR6]* – Development of the site will be supported where it provides:

- Up to 28 dwellings new dwellings [sic] of a mix and type of housing to be compatible with the surrounding development and in accordance with Design & Access Statement linked to the Lakelands Planning Permission”

- 5.4 Paragraph 6.73 of the Preferred Options supports the above by stating:-

“ This site was originally intended to form open space within the development now known as Lakelands. It was shown in an agreed 2002 Masterplan for Lakelands as an open space and the current adopted Proposals Map shows the site as open space. A

Design and Access Statement ('DAS') which was agreed via a discharge of planning condition in 2010 showed the site as to be used for residential purposes, open space provision across Lakelands having been re-planned in that document. The planning and the DAS are or would be material considerations in the determination of future planning applications in respect of the site. The Council is currently considering a reserved matters application for the residential use of the site. It is therefore allocated in the Local Plan to reflect this updated position and will be safeguarded to deliver up to 28 dwellings."

6.0 Relevant Planning History

6.1 The Lakelands site (formerly the ARC Stanway Pit – sand and gravel extraction) has a complicated planning history as a result of the fact that residential development has already taken some 25 years to progress to the current stage and it remains to be completed with further reserved matters currently under consideration. As a result numerous residential consents have been granted and two masterplans agreed (one (2010) superseding the other (2002)) It is the legal and practical implications of this history that objectors continue to dispute and the reason why the Council has sought a series of Legal Opinions which have confirmed that the current application can lawfully be accepted as a reserved matters application to outline permission granted in 2012 and that the masterplan approved in 2010 is a material planning consideration facilitating residential use of the entire site now known as SR6.

6.2 PLANNING PERMSSIONS

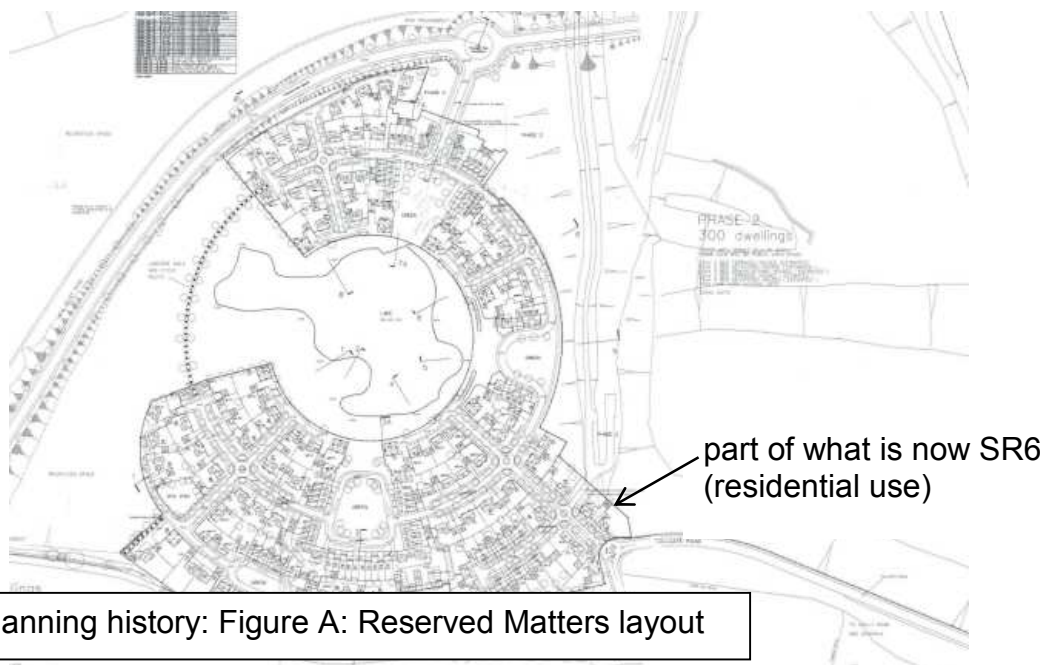
6.3 O/COL/90/1904 *[the original outline]*

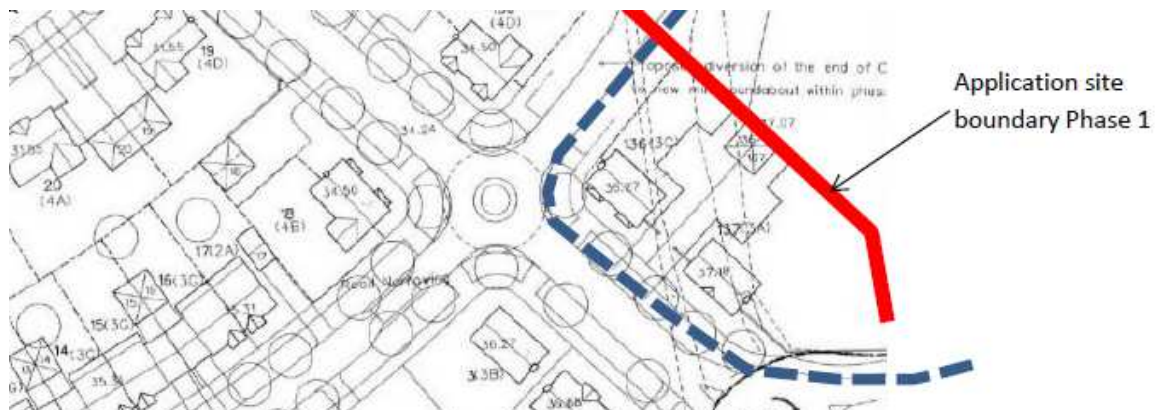
Outline application for mixed use development comprising business / employment 11.3 net acres, residential 49.3 net acres and leisure 49.2 net acres.

Approved 21 March 1995.

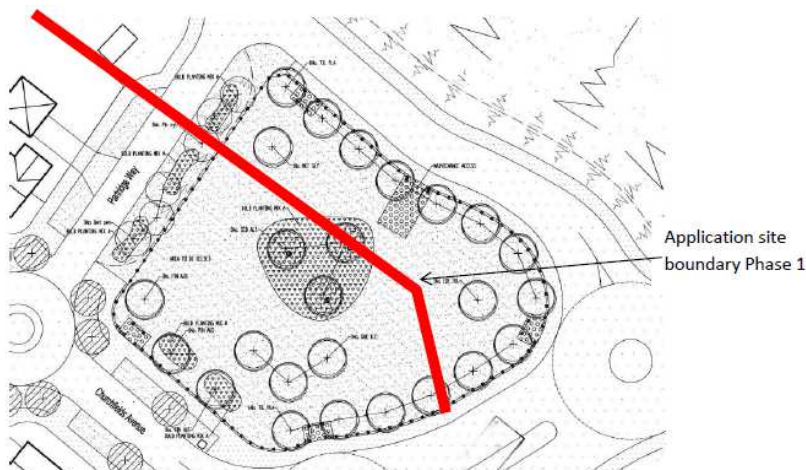
6.4 RM/COL/97/1428 *[initial phase of reserved matters for 200 residential units out of the approved 500 (in outline)]*

Phase one comprising 200 residential units (as part of an overall development of 500 residential units): Approved 27 March 1998





planning history: Figure B: Reserved Matters layout extract - part SR6 exploded view from figure A above



planning history: Figure C: 26 January 2006 landscaping (condition 3) to RM/COL/97/1428 approved (drawing JBA 04/21-02) part SR6 showing landscape rather than housing

6.5 F/COL/01/0976

Application to amend condition 03(2) of COL/90/1904 to extend specified time period from five to six years regarding submission of all reserved matters for outline application for mixed use development comprising business/employment 11.3 net acres, residential 49.3 net acres and leisure 49.2 net acres approved on 21 March 1995. (see masterplan section below)

6.6 O/COL/02/0980 *[uplift in approved total number of residential units from 500 to 800]*

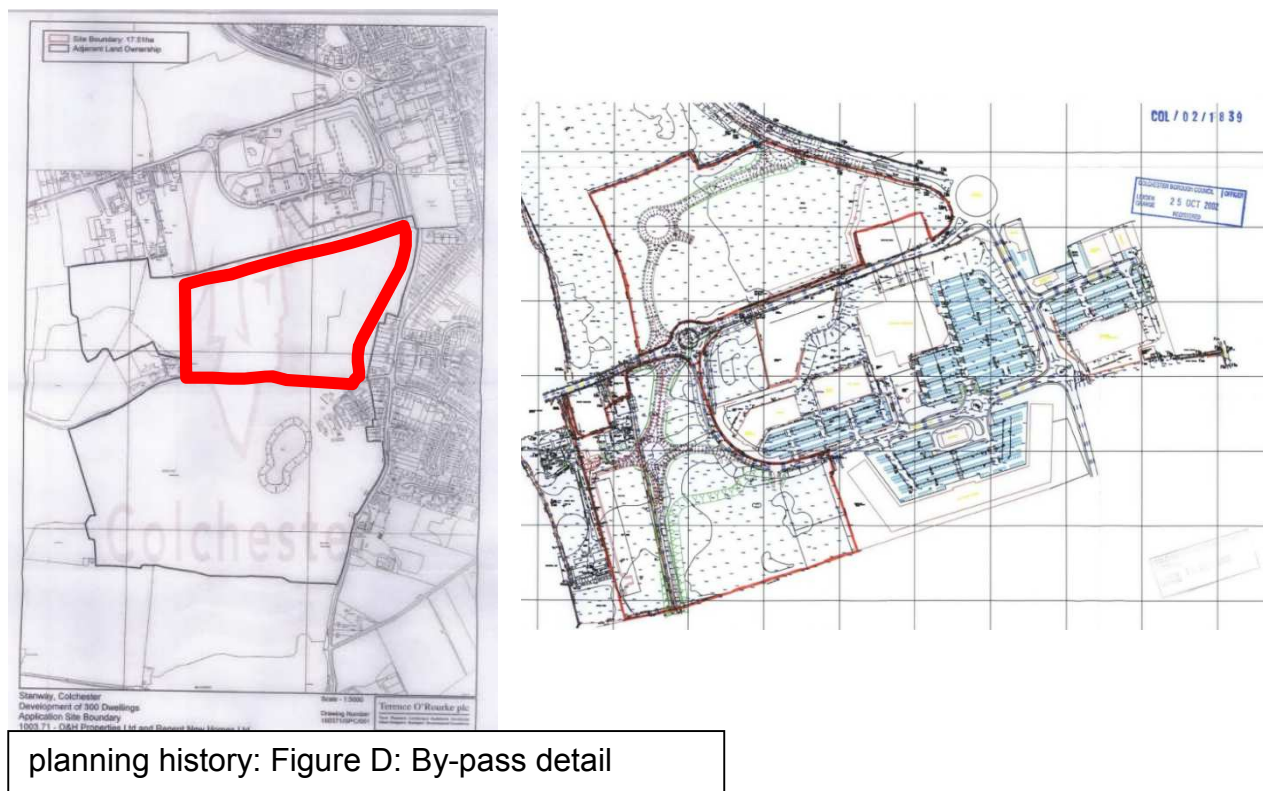
Outline application for residential development (300 dwellings) and associated road proposals (an additional 300 units to the 500 units approved under C/COL/90/1904) *(new total 800 units) [amended masterplan deletion of proposed leisure use]*

Approved: 1 December 2006

6.7 **F/COL/02/1839**

Construction of Tollgate Western Relief Road. (the northern leg between Tollgate and Essex Yeomanry Way)

Approved 11 December 2006



6.8 **F/COL/03/1802**

Stabilisation of existing embankment

Approved 1 December 2006

6.9 **091379**

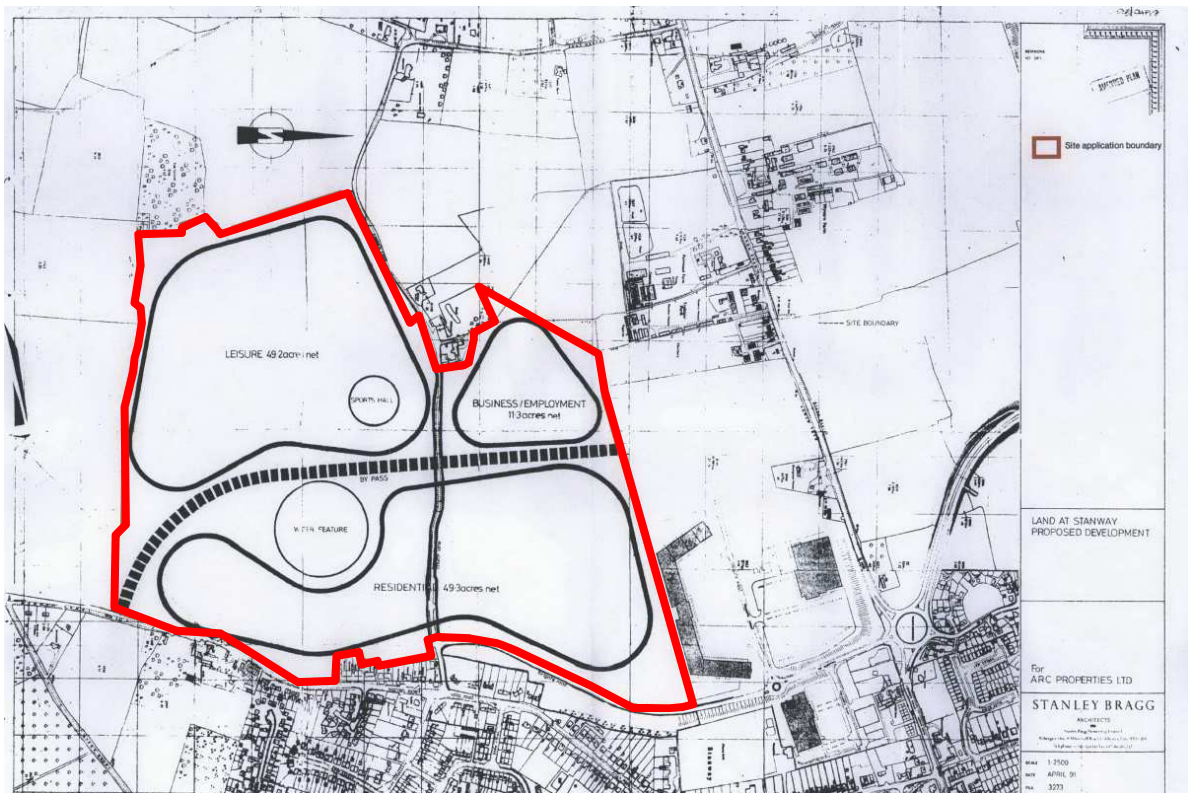
Extension of time application for the construction of part of western relief road between Warren Lane and the northern boundary of the site. (lpa ref: F/COL/94/0890)

Approved 12 July 2010

6.10 **121040**

Application for a new planning permission to replace extant planning permission F/COL/01/0976 in order to extend the time limit for implementation.

4 September 2012



planning history: Figure E: 121040 application site

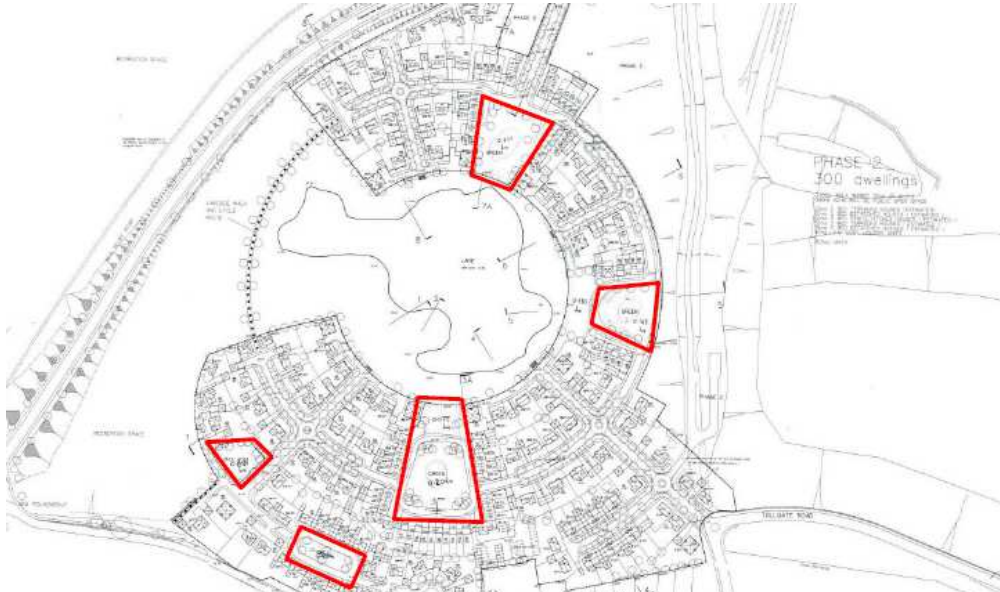
6.11 121041

Application for a new planning permission to replace extant planning permission O/COL/02/0980 in order to extend the time limit for implementation.

Approved 4 September 2012



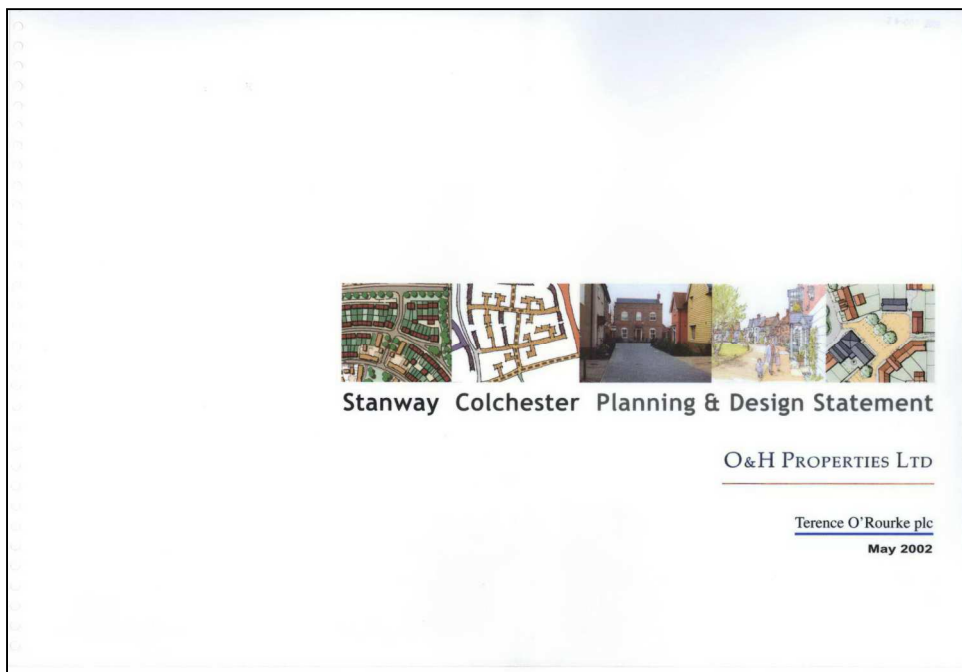
planning history: Figure F: 121041 application site



planning history: Figure G: Public Open Space (p.o.s.) areas identified within the Lakelands S106

6.12 MASTERPLANS

6.13 Application reference O/COL/02/0980 (outline) for 300 dwellings was accompanied by the 2002 Planning & Design Statement which included a masterplan.



Planning history: Figure H: Approved 2002 Masterplan

- 6.14 That document clearly showed the island formed by Church Lane, Churchfields Avenue and Partridge Way as open space within the wider masterplan context. (as shown in the extract below):-



planning history: Figure I: extract from figure 6 2002 masterplan

- 6.15 The outline planning permission that was subsequently granted on 1 December 2006 carried a condition restricting layout thus:-
9. The layout and form of the residential areas hereby approved, unless otherwise agreed with the Local Planning Authority, shall conform with the principles set out in the Design Rationale in Section B of the Planning and Design Statement produced by Terence O'Rourke PLC May 2002 or otherwise with the Essex Design Guide for Residential Areas. Reason: In order to ensure that the development is of a high standard of design based on the creation of neighbourhoods with a strong sense of identity and character.
- 6.16 In an application to discharge conditions dated 24 March 2009 Terrance O'Rourke's applied to discharge conditions 1, 8 & 9 of the permission reference O/COL/02/0890. Condition 1 required the following:-
1. Prior to the commencement of any development on the whole site and the approval of reserved matters, a Design and Access statement shall be submitted to and approved by the Local Planning Authority which sets out the broad layout, access and design principles for the development of the site and the phasing strategy to which detailed proposals would be expected to follow. Reason: In order to ensure that the phased development of the site is carried out in a co-ordinated and coherent manner and in accordance with an over-arching design and access strategy.

- 6.17 It is condition 2 that then deals with reserved matters. Reserved matters are the full details of a scheme that follow once the principle of a use has been established by the grant of an outline permission. In this particular case the reserved matters were:-
2. Following approval of the Design and Access Statement and prior to the commencement of any development within individual phases approval shall be obtained in writing from the Local Planning Authority :
 - (a) details of the siting, design and external appearance of all new buildings including a schedule of types and colours of materials to be used in external finishes
 - (b) means of access, including details of new junctions and estate roads, parking provision and measures to ensure that the design of estate roads are compliant with a 20 mph speed limit
 - (c) landscaping, including full planting specification and means of protection of any existing trees and hedgerows during development
 - (d) details of site re-contouring and including detailed drawings of before and after contours and cross-sections, slab levels, information on material to be imported, exported, cut and fill and any exploitation of minerals.Reason: The outline application, as submitted, does not give particulars sufficient for consideration of these reserved matters.

- 6.18 In submitting the discharge of condition application in March 2009 the applicants were hoping to resolve all the matters associated with condition 1, 8 & 9 attached to the outline permission ref: O/COL/02/0890.

Condition 8 related to the requirement of the Council to provide 10% of the application site as open space.

- 6.19 In a letter dated 1 July 2009 the Council, amongst other things refused to part discharge the details for condition 1 & 8 and reminded the applicant that condition 9 set out restrictions rather than necessitating further detail.

extracts from said letter:-

“F/COL/01/0976 Condition 1 & O/COL/02/0980 Condition 1

I can confirm that I am unable to discharge these conditions as there are outstanding issues relating to provision of POS 10% of the site area (see condition 9 & 8 below).

F/COL/01/0976 Condition 9 & O/COL/02/0980 Condition 8

I am unable to discharge this condition on the information provided in the DAS. There are some discrepancies regarding the amount and suitability of open space illustrated and described in the DAS. Public open space must have good functionality and this will exclude areas such as verges of whatever width. The amount of space shown in the layouts does not appear to be 10% of the site area, given that the school grounds cannot be considered public as proposed on page 49.

Improvements and additional space should include the improvement of green spaces within squares as the illustrated provision and the written commentary are contradictory in their aspirations.

F/COL/01/0976 Condition 11 & O/COL/02/0980 Condition 9

This condition does not require formal discharge. Its purpose is to guide the preparation of a master layout plan in accordance with the principles set out. It only requires specific agreement from the LPA if the layout and form of the residential development is to deviate significantly from the principles set out in the documents listed.

There has been a considerable adaptation of the layout beyond the proposals of the 2002 planning and design statement and much of this has been a refinement of the principles within the Essex Design Guide. For these reasons the layout and form cannot be reduced to a pre-negotiation standard.”

- 6.20 A year later on 20 July 2010 the Council in agreeing to amend condition 03 of the original outline planning permission to allow an additional year for the submission of reserved matters confirmed that the Lakelands 2 Design & Access Statement of July 2010 was approved.



planning history: Figure J: Approved 2010 Masterplan

6.21 Therefore after that approval the 2010 document had superseded the 2002 document.

6.24 Consequently we now need to examine the content of the 2010 masterplan to see what changes affecting the island site formed by Church lane, Churchfields Avenue and Partridge Way had been agreed. The extracts below highlight these:-



6.25 This and other references within the Lakelands 2 Design & Access Statement of July 2010 confirm that the principle of residential use on the island site was approved in the 2010 masterplan when it was agreed on 20 July 2010.

6.26 Subsequent applications for reserved matters and extensions of time then legitimately refer to the 2010 Design & Access Statement July 2010 as the base document.

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:

- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- TA4 - Roads and Traffic
- 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
- DP15 Retention of Open Space and Indoor Sports Facilities (NOTE: Legal Advice that due to planning history DP15 is not applicable)
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage

- 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 STA5 Open Space in Stanway Growth Area

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

- Vehicle Parking Standards
- Open Space, Sport and Recreation
- Extending Your House?
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing

Stanway Parish Plan & Design Statement

8.0 Consultations

- 8.1 **Environmental Control** raises no objection subject to conditions requiring:-

- Construction method statement to be agreed
- Control over construction times
- Recycling, waste and storage areas to be agreed

8.2 **Natural England** has no objection

8.3 **ECC SUDS** objects on the grounds that the application doesn't include a drainage strategy

8.4 **ECC highways** has objections on the grounds of a number of identified technical deficiencies within the layout

8.5 **The Contaminated Land Officer** comments:- "As with other parcels in this area there are potential risks associated with ground gases and an appropriate level of mitigation measures will be required to be installed in all properties. Garden/soft landscape areas will also need to be suitable for use. Where not covered by existing permissions these matters will need to be conditioned.

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

9.0 **Parish Council Response**

9.1 Stanway Parish Council strongly objects (Jan 2016) on the grounds that:-

a) Parcel SR6 is clearly designated a green field site.

b) The Committee does not believe that this is 'reserved matters' as it is not in line with the outline approval. The outline approval does not show development on this land and this reserved matters application should therefore be rejected. This is a new development and not part of the original outline planning permission.

c) Affordable housing should be integrated within the present development and should not be a 'standalone' area suggesting segregation.

d) The Landmark Buildings are essentially four storeys if the roof is included, which will be overbearing, out of keeping with the existing development and will have an adverse effect on the residential amenity of the neighbours.

e) Density and severe lack of parking resulting in more on street parking on roads that are too narrow.

f) The design does not fulfil Colchester Borough Councils commitment for the development to blend seamlessly.

This comment was subsequently amended with a follow-up consultation following scheme amendment stating

After considerable discussion it was **RESOLVED** that Stanway Parish Council strongly **OBJECTS** to this proposal as some of the original objections have not been addressed.

There is an ongoing uncertainty as to whether this parcel of land should be built on at all.

Affordable housing should be integrated ('pepper potted') within the present development and should not be a 'stand-alone' area suggesting segregation.

The Landmark buildings are overbearing, out of keeping with the existing development and will have an adverse effect on the residential amenity of the neighbours.

The density is too high and there is insufficient parking.

The design does not fulfil the 2010 Master Plan commitment and for the development to blend seamlessly with the existing development which is predominantly two storey with detached and semi-detached forms.

10.0 Representations

- 10.1 A written petition of objection with 80 signatories has been received. The Petition states "Keep our green open space to the Churchfields Avenue entrance to Lakelands, Stanway"
- 10.2 The application has also generated an on line petition of objection of 952 names.
- 10.3 The Place Service issued 212 consultation notifications and received 147 objections from those issued
- 10.4 A number of main themes arise from the significant level of local objection. These are:-
- 10.5 The site should remain open space as designated on the proposals map and that the masterplan approved in 2010 by condition that has effectively opened the door to residential use was not subject to public consultation.
- 10.6 The Council cannot lawfully accept the application as Reserved Matters
- 10.7 Concern is expressed that the proposed development is out of character with the existing development found within Phase 1 of Lakelands and is too dense
- 10.8 The proposal fails to provide satisfactory parking spaces.
- 10.9 The proposal fails to satisfactorily pepperpot affordable housing and is contrary to Council SPD.
- 10.10 The site should have been landscaped as previously approved. If it had been enforced then the current proposal is unlikely to have been tabled
- 10.11 The proposal is contrary to highway safety
- 10.12 the proposal fails to make adequate drainage provision

10.13 Adverse impact on the amenity of existing properties

10.14 Sufficient residential development in Stanway

THE FULL TEXT OF ALL REPRESENTATIONS IS AVAILABLE ON THE WEB SITE UNDER THE PLANNING REFERENCE AT THE HEAD OF THIS REPORT

11.0 **Parking Provision**

11.1 The proposed development generates the following Adopted Council parking standard requirement for off-street spaces:-

9 x 1-bed units x 1.25 spaces = 11.25 spaces

19 x 2-bed+ units x 2.25 spaces = 42.75 spaces

Total requirement = 54 spaces

11.2 The proposed layout provides 54 spaces

11.3 The proposal therefore complies with the Council's current Adopted Parking Standards and parking provision is acceptable.

11.4 As a consequence the concerns of many of the objectors in respect of what is perceived as a shortage of 'off-street' parking spaces within the development cannot be reasonably sustained as a reason to resist the proposed development.

11.5 It should be noted that the original outline planning permission of 1995 (O/COL/90/1904) in its condition 9 addressed the issue of parking provision. It stated:-

"9. Such car parking accommodation and garaging serving residential accommodation, as shall be agreed in conformity with Council parking standards, shall be provided and retained permanently for the parking of private motor vehicles and for no other purpose.

Reason: To ensure the permanent retention of the accommodation for parking purposes and to ensure that traffic congestion is avoided."

11.6 Parking was again addressed in the planning permissions 121040 and 121041. Condition 8 to both states:-

"Condition 8: The residential development shall have a minimum average of 2.25 off-street car parking spaces per dwelling in accordance with details to be submitted to and agreed in writing by the local planning authority. The parking facilities, as agreed, shall be maintained at all times for parking

Reason To ensure the provision of adequate car parking within the scheme in accordance with the Council's parking standards."

- 11.7 As Members will have noted from the calculations provided above the proposed one-bedroom units are accompanied by a parking standard compliant number of spaces at a ratio of 1.25 spaces : 1 x one bedroom unit. On the face of it this would appear to conflict with the 2.25 described in condition 8 of the 2012 permissions.
- 11.8 However condition 8 refers to an average of 2.25 in the context of all of Lakelands.
- 11.9 It should also be noted that the Council's Adopted Parking Standards for residential development changed in 2009 from a parking requirement based on a maximum standard to one based on a minimum standard
- 11.10 As the proposed level of parking within SR6 meets the Council's current Adopted parking standards and as condition 8 attached to 121040 & 121041 merely required an average of 2.25 across Lakelands it is reaffirmed that there is no sustainable reason to refuse the proposal on the grounds of inadequate off-street parking.
- 11.11 bay sizes meet the minimum size requirement.

12.0 Open Space Provisions

- 12.1 The development includes areas of public amenity space. The largest occupies the prominent Tollgate Road / Church Lane corner and will provide a green landscaped apron with the built form creating a backdrop. The second smaller area of amenity space sits beside the existing path/cycleway that bisects the site. The location of these is highlighted below in Figure 4



Figure 4: Public amenity space within the proposed development

- 12.2 Development Policy DP16 (Oct 2010) ..Open Space Provision for New Residential Development states..

“In addition to private amenity space, all new residential development will be expected to provide new public areas of accessible strategic or local open space. Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross area should be provided as usable open space....”

- 12.3 The proposed amenity areas will deliver 0.07ha of open space available to the public. Using the site area that includes half the road width (as used in the density calculation this means the amenity areas represent 10% of the total area (0.77ha). This is therefore policy DP16 compliant.
- 12.4 The two amenity areas actually represent 12.3% of the ‘developable’ area
- 12.5 Members will note that the 10% in DP16 is described as a minimum and councillors familiar with the Lakelands area will be aware that the overall development was approved with an excess of 10% open space across the entire site. Indeed included is new country park, a large informal park around the central lake, a soon to be completed central park and new phases of open space within later phases of development to the north. The application site adjoins an area of open space. Figure 5 below highlights some of the current & planned open space within Lakelands.
- 12.6 The existing open space on part of SR6 was never intended to form part of the designated public open space (p.o.s.) within the Lakelands development S106 Agreement and was not shown as p.o.s. on the relevant S106 drawings.
- 12.7 Members will recall from earlier references in this report that the site which is currently laid to grass is shown as a residential site in the approved 2010 masterplan. The approved masterplan does not envisage its continued existence as open space.
- 12.8 As this application is a reserved matters submission and as the relevant masterplan (2010) shows this site as residential and as there is an excess of 10% open space across the Lakelands development it is considered that the inclusion of 10% open space within the SR6 proposal is appropriate.



Figure 5: Public Open Space within Lakelands

12.9 In his Written Legal Opinion of 20 March 2016 Simon Pickles (Barrister) addresses the relevance of Council Policy DP15 :retention of Open Space and Indoor Sports Facilities stating unequivocally:-

“ 20. Permissions 121040 & 121041, in conjunction with [the Lakelands 2 Design & Access Statement of July 2010], authorise residential development of the site notwithstanding the provisions of Policy DP15. The landowner is, again, entitled to rely on those permissions according to their terms subject only to their revocation or modification. Local Plan Policy DP15 has no role play in consideration of the current application of approval of reserved matters, and the fact that the Local Plan was adopted after [the Lakelands 2 Design & Access Statement of July 2010] was approved does not alter this conclusion.’

12.10 DP15 states “Development, including change of use, of any existing or proposed public or private open space, outdoor sports ground, school playing field forming part of an educational establishment and allotments (as identified on the proposals map) will not be supported unless it can be demonstrated that:-

- Alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users;
- The proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general; and,
- It achieves the aims of the Colchester Parks and Green Spaces Strategy.

12.11 Notwithstanding whilst Simon Pickles’ advice is that DP15 has no role to play in this context (paragraph 12.9 above), officers note, so far as the merits of the use of the application site as open space is concerned, that - as can be seen from Figure 5 above - the Lakelands development is incredibly well served by new open space. The level of amenity currently offered by the existing rough grassed site is considered to be low, whereas the enhanced landscape of the new open space within the development at SR6 will enhance the natural quality of the environment on this exposed corner site. Lakelands has been planned and is being built out around a new strong network of green corridors that radiate out from the central lake. The rough existing grassed corner plot is not, moreover, large enough to accommodate sports pitches and the fact that its perimeter is edged by roads suggests that it is not ideal for play area use. Its amenity value is therefore related directly instead to how it might add to the quality of the street scene from an aesthetic perspective. Visual quality will be considered in the main body of this report.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the current 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. At its meeting of 19 May 2016 the Development Team determined that it would not ask for any S106 contributions as the application was a reserved matters submission - the earlier outline having established appropriate and reasonable S106 contributions.

14.2 Members are advised that in the event that reserved matters approval is granted and these units built then the overall requirement for delivery of 19.2% of the total number of units approved at outline will have been achieved.

14.3 Members are also advised that the affordable units being proposed on SR6 are all rented. If the details are approved this is likely to be the last 100% affordable rented scheme delivered in the borough following recent Government changes to the

definition of affordable housing. Colchester continues to have a priority need for affordable rented accommodation for the high number of residents in housing need.

15.0 Report

15.1.0 Principle of residential use across the entire site known as SR6

- 15.1.1 The issue at the heart of strong local objection is the loss of what has for many years been an 'open grassed site' on the corner of Churchfields Avenue, Partridge Way and Churchfields Avenue. Local people have come to consider the corner plot to SR6 as a local amenity which will be lost to development in the event that reserved matters approval is given to the current proposal.
- 15.1.2 It is true to say that at the time of approving the initial Lakelands phase of the development (200 units) it was intended build two houses on part of the corner site and later it was intended to landscape this corner parcel of the wider SR6 site and a landscape scheme was approved. A masterplan approved in 2002 showed the corner parcel of what is now SR6 as open space. That scheme was never formally implemented and the status of the site was modified in a masterplan approved by condition in 2010.
- 15.1.3 The Council has received many representations from local people as well as from Stanway Parish Council. The proposal has also attracted the close involvement of Councillor Kevin Bentley (Ward Member for Marks Toy & Layer and County Councillor) and that of the Right Honourable Priti Patel MP (local MP for the Witham Constituency which includes West Stanway [as well as Copford, Birch & Winstree, Marks Tey and Tiptree] within the Borough of Colchester. Ms Patel is also Secretary of State for International Development.
- 15.1.4 In response to procedural concerns raised the Council has sought a Legal Opinion from Counsel on three occasions since submission of the reserved matters application. In summary the key points of law on which the Council wished to be advised included:
- Can the application reference 152917 be lawfully accepted as a reserved matters submission; and if it can –
 - what weight needs to be given to the 2010 masterplan as approved by condition, the local plan allocation on the Proposals Map (2010) and open space policies in the Adopted Local Plan 2010.
- 15.1.5 Members are advised that in the case of the most recently requested Legal Opinion the questions posed were as worded by representatives of objectors and forwarded to the Council by Councillor Kevin Bentley. The purpose of agreeing this approach was to ensure absolute transparency and to ensure that the Council could not be exposed to the criticism of asking '*loaded*' questions. All Legal Advice received has been openly shared on the Council's web pages.
- 15.1.6 Mr Simon Pickles (Barrister at Landmark Chambers in London) provided all of these Legal Opinions.

15.1.7 Mr Pickles has consistently advised that the Council should lawfully accept and determine the current reserved matters submission pursuant to decision notices issued in 2012 in respect of the applications ref: 141040 & 141040 and that the 2010 Masterplan is properly central to the current decision-making process despite the historic land use allocation from 2010 on the Proposals Map (2010).

15.1.8 In his latest extensive Advice of 29 June 2016, in response to resident's questions, he advises in section 7 of that Opinion that:-

"I have, in the course of preparing this Further Opinion and in the light of the substantial additional information provided, considered further also the advice I provided earlier. That information does not, however, cause me to alter that advice or suggest to me that I should expand upon the reasons behind it....."

15.1.9 Members are therefore advised that the current reserved matters application must be judged on its individual planning merits relating to details following the grant of outline planning permission. The masterplan approved in 2010 by condition accepts residential use on all of the site now known as SR6 and the 2014 outline planning permission was granted in that context. Members are not being asked, in light of the Lakelands 2 Design & Access Statement of July 2010 to consider or re-consider now the merits of residential use (as opposed to part residential part open space use) across all of the site now known as SR6. Similarly in the light of this the Council is not required to consider or re-consider now the merits of the reserved matters application in light of Policy DP15 (open space) - though consideration of the merits of the use of the site as open space has in fact been undertaken above.

15.2.0 Layout, density, massing, design and character

15.2.1 The proposed layout and design have changed significantly since the application was first submitted in response to objections received.

15.2.2 The extent to which buildings occupy the surface area of the prominent corner parcel has been reduced and an area of open space introduced. Built form has been pulled away from the Churchfields Avenue and Partridge Way frontages to reduce any risk of occupiers feeling overlooked or overshadowed or having their outlook adversely affected. The drawing extracts shown below in Figure 6 show these differences.



Amended layout now before Members



Initial now superseded layout

Figure 6: Comparison between initial layout and subsequently amended layout

- 15.2.3 It is considered that the amended layout provides a visually coherent sense of place at this entry point to the wider Lakelands development.
- 15.2.4 In considering the merits of the current reserved matters the Council needs to have regard to the requirements of the 2010 masterplan and in particular:-
- The suggested density zones
 - The suggested massing
 - and the urban design function expected to be played by this site
- 15.2.5 The application site was identified as gateway marking a change between higher density levels to the on the north side of the Lakelands development and lower density levels on the southern half. The Avenue between Tollgate Road and the By-Pass access to the Lakelands Development was to be accentuated by built-form. It therefore represents a point of transition between the low density initial stages of development and those that have followed and are to follow.
- 15.2.6 To facilitate this design objective the site is described in the 2010 masterplan as a being within a 'Principal Gateway' the function of which is described thus:-

Principal gateway – Tollgate Road

- | | |
|------|---|
| 3.9 | There will be two principal gateways to the scheme, these are located at either end of the main avenue which will link the proposed bypass to Tollgate Road. These gateways should be defined by a number of landmark buildings which, combined with avenue planting, will create two strong visual gateways to the development. |
| 3.10 | The Tollgate Road gateway will be defined by apartments and higher density development which will create a strong urban form at the southern end of the existing Tollgate Road. This will be a key nodal point where within close proximity there are 'gateways' to Stanway, the existing Lakelands phase 1 development and the proposed phase 2 area. As such, this will be an important nodal point within the wider movement network which connects the proposed development to the existing urban form. From this point, the main avenue will lead into the heart of the development gently falling from the level of the existing road to the new ground level in this part of the scheme. |
| 3.11 | The avenue will then lead from this point into the heart of the development where the proposed phase 2 area connects with the phase 1 development to the south. The avenue will have a sinuous alignment which follows the broad circular geometry created by Robin Crescent immediately to the south which is such a key feature of the phase 1 development. |

15.2.7 To help Members visualise where these intended principal gateways are in relation to the wider context figure 7 is included below.

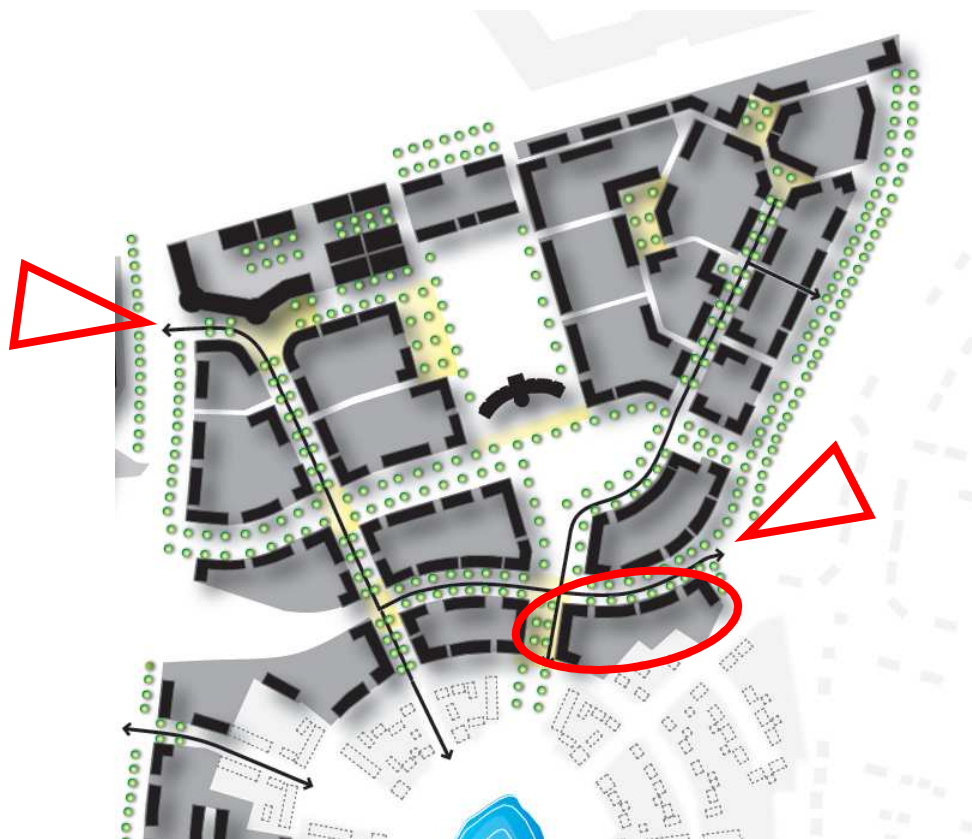


Figure 7: extract from 2010 masterplan figure 7, page 25 Urban Design Structure

(note: the red triangles have been added to highlight the entry points referred to in the associated text. The triangles are not included in the masterplan drawing – The red oval is added to identify the location of SR6)

15.2.8 Figure 7 below shows how the masterplan of 2010 envisaged density levels would be distributed going forwards.



Figure 7: Masterplan 2010: Target density levels – drawing 3.16

(Note: red outline added to the drawing for the purpose of this report to highlight the location of the site now known as SR6)

- 15.2.9 The applicants in their submission initially described the density of the proposed development as being 48 dwellings per hectare. Having subsequently checked the calculation officers advised the applicants that the figure quoted was incorrect. The re-calculated density figure provided by the applicants now describes the density as 34 dwellings per hectare.
- 15.2 10 The calculations made by the Place Service indicate that the density of the proposed development is 36.3 dwellings per hectare (if as is usual half of the adjacent road width is included) if part of the existing adjacent open space immediately to the west where properties front onto that space is included then the density falls to 35 dwellings per hectare.
- 15.2 11 Therefore the density of the proposed development complies with the density zoning in the 2010 masterplan and does not represent over development.in this respect.

- 15.2.12 This however is only part of the assessment that needs to be made when considering whether or not the development delivers what is described in the approved masterplan in function and design terms and for this we need to consider the scale and massing of the proposed development. It is to this that the report now turns.
- 15.2.13 Existing properties on the south-east side of Churchfields Avenue are detached and two storeys in height as are those in Partridge Way and the adjacent sections of Robin Crescent. The formal squares further to the west (and opposite the southern SR6 plots no's 12-15) are 2½ storeys in height and form continuous built frontage. Those being built north of Church Lane are variously 3 and 4 storeys.
- 15.2.14 The 2010 masterplan advocates 4 –storey development of the prominent Church Lane, Tollgate Road, Churchfields Avenue corner with 3-storey development along Church Lane and 2 ½ storey development adjoining existing development in Robin Crescent. The objective was not to mimic the 2 storey scale of development found predominantly but not exclusively within the earlier stages of development at Lakelands.
- 15.2.15 In response to strong objections received in respect of the proposed reserved matters detail the massing of the proposed development has been significantly modified from that suggested in the masterplan to create a less dramatic change in scale with a new more gradual transition. Figure 8 below shows the massing and scale envisaged in the masterplan and figure 9 shows the suggested form of development for SR6 within the approved 2010 masterplan.

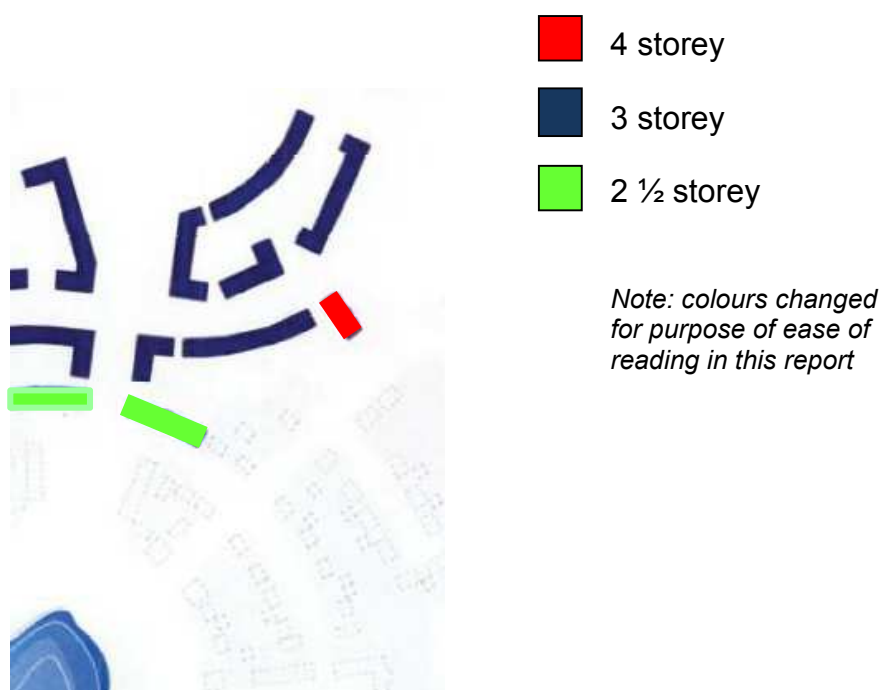


Figure 8: Extract from approved masterplan 2010 – Drawing 3.16 page 43 showing suggested storey heights



Figure 3.9 Illustrative model - from Tollgate Road looking west

Figure 9: Suggested form of development for SR6 within the approved 2010 masterplan

15.2 16 Whilst the latest proposal makes for a less dramatic gateway in terms of sheer height; it is argued that the combination of built and natural form being proposed provides an equally valid urban design solution to highlighting the entrance to the wider Lakelands development. It will ensure that people will be able to navigate around and through the development by reference to stand-out features in the street scene (legibility) rather than the development having a uniformity of scale and appearance but will be more sympathetic to existing development. The schematic representation provided in figure 10 shows how the proposed storey heights transition through SR6 from existing development to northern half of Lakelands avoiding the fracturing uplift of scale of the masterplan so disliked by local people – who continue to advocate 2-storey development of a type and appearance found nearby.



Figure 10: Schematic depiction of proposed storey heights in context of existing and approved

(note the reduction on SR6 from those advocated in the approved 2010 masterplan as shown in figure 8 of this report)

- 15.2.17 Significant numbers of objectors have stated that they believe the proposed development should not only have a scale and mass that matches existing predominantly 2-storey development but that it should also be similar in appearance and comprise detached units.

15.2 18 Whilst the units on the Church Lane, Tollgate Road, Churchfields Avenue corner of SR6 do not look like existing units in Churchfields Avenue & Partridge Way they do take a close and direct reference from the striking terraced units that surround each of the main formal squares within the earlier stages of Lakelands Development. (as demonstrated in figure 11 a/b below). By taking this approach the architect has been able in 2 ½ storeys to create the entrance presence required in the masterplan without having to go to the advocated 4 storeys. In urban design terms it works in a different way to that envisaged in the masterplan by creating a strong formal ribbon of built form as a striking backdrop to an area of open space which will be landscaped to provide a soft foreground which provide a green connection between the tree lined avenues of Church Lane and Churchfields Avenue rather than having a highly urbanised built up frontage. Other similarities can be found for other types used





Figure 11c: Proposed SR6 Robin Crescent frontage



By-pass frontage



Osprey Close

Figure 11d: Houses from earlier stages of Lakelands

15.2.19 Members are advised that the applicants have also agreed to re-contour the existing mound by reducing levels in order to support the amended design approach in order to reduce scale from that shown in the masterplan which was a direct response to the adverse local reaction. The relationship between proposed form and existing properties will be considered in more detail in the section 15.3 of this report.

15.2.20 The external materials to be used will be drawn from a palette of bricks, render and Eternit slates which is considered acceptable.

15.3.0 Amenity

15.3.1 Policy DP12: Dwelling Standards is relevant to a consideration of amenity standards. The buildings as amended have been carefully positioned to avoid any overshadowing, daylighting, sunlight loss or overlooking issues of existing properties and the proposal complies with DP12.

- 15.3.2 Figure 12 describes the distances between the proposed development and existing homes. Members will see that the relationship is better than that found elsewhere on adjacent parts of the Lakelands development.



Figure 12: Distances between proposed and existing properties

- 15.3.3 The proposed gardens are also policy compliant with policy DP16.
- 15.4.0 Highway matters
- 15.4.1 There is no objection to the principle of residential use of the site in highway capacity or highway safety terms. The internal estate road hierarchy was designed to accommodate 800 units. Children walking to schools in the area will be put at no additional material risk by this development. It should also be noted that Partridge Way was originally intended to provide a through-route to Church Lane before the road was truncated and it can safely accommodate flows from the proposed bungalow and flats
- 15.4.2 In their response the Highway Authority pointed out a number of simple technical deficiencies to vision splays in some private drives and the requirement for an additional section of path which have been satisfactorily addressed.
- 15.4.3 There is therefore no sustainable reason to reject the proposal on highway grounds.

15.5.0 Landscaping

15.5.1 There is no landscape objection to this proposal subject to conditions.

15.5.2 Members are advised that Flagship Housing is willing to landscape the corner parcel of amenity space (Church Lane/Churchfields Avenue/Partridge Way) to an agreed standard and offer its transfer to Stanway Parish Council should it wish to accept it. This would mean that the Parish Council would be able to safeguard its use as amenity space into the future. Consideration of the merits of the reserved matters does not however depend upon this aspect and it is something that parties could explore independently in the event of approval being given to the details being considered here in this application.

15.6.0 Drainage

15.6.1 Drainage arrangements for the Lakelands development have previously been agreed and the development is moving towards completion. The applicants have indicated that they will connect to the existing systems and that is now reasonable.

15.6.2 Essex County Council became the sustainable urban drainage authority in April 2015 and their comments in respect of this application are noted. It is not however reasonable require the applicants to provide full drainage details and flood risk assessment retrospectively simply because ECC does not have access to that material. It is however considered acceptable to require the applicant by condition to provide details as to how their development will connect to the existing systems and provide information to demonstrate that the development of 28 units will not pose any off-site flood risk to other parts of Lakelands.

15.7.0 Affordable Housing

15.7.1 The Council's Strategic Planning Policy for Affordable Housing is set out in Core Strategy Policy H4 – Affordable Housing which was reviewed as recently as July 2014).

15.7.2 It goes on to state:-

“ ... The Council will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities.”

15.7.3 The Lakelands development is required to deliver 19.2% affordable housing and much has already been delivered around the wider site. Other sites now have reserved matters approval for affordable housing and they will commence soon. The 28 units contained in this application represent delivery of the final 28 units needed to meet the 19.2% requirement. Whilst other sites may be available and whilst the Council recently agreed a variation of Agreement that facilitates financial payments in lieu of any deficit number of units, Flagship Housing is offering to deliver 28 affordable rented units on –site now. In truth this probably represents the last scheme that will offer affordable rented properties following recent changes to the affordable housing regime announced by the Government. Money in lieu is unlikely to deliver

this many units and certainly not for rent, where the Borough has its greatest requirement for those in housing need.

- 15.7.4 The Council's affordable housing SPD sets out the Council's guidance in respect of amongst other things the Design and Integration of affordable Housing when it states:-
- “ 6.4 As part of a planning application, applicants will be expected to demonstrate how the affordable housing element will be realised within the overall development. In schemes over 15 units the affordable housing should be “pepperpotted” throughout the scheme in groups, the size of which should be discussed and agreed with the Council. The affordable housing should be well designed.”
- 15.7.5 “Pepperpotting” is the name given to the process of distributing affordable housing throughout a development in such a way that it is indistinguishable from open market housing. This can be individual units or ideally in clusters of up to 15 units. Pepperpotting is generally not feasible in flatted developments where open market and affordable units are in the same block for management reasons. The Council's SPD aims to avoid large groupings of affordable housing and there is a balance to be struck as Registered Providers (the affordable housing provider) prefer clusters rather than individual units as this offers economies of scale and management/maintenance benefits.
- 15.7.6 In the context of the 800 units planned within Lakelands a grouping of 28 units is not considered unreasonable or unacceptable particularly when the design standard and amenity levels achieved are good. Members will recall that it has welcomed the 100% affordable nature of the large Brook Street development on the basis that it provided much needed accommodation at a time of severe shortage. That situation persists.
- 15.7.7 Concerns from some residents that affordable housing at Lakelands is being concentrated into large ‘ghettoised’ clusters is unfounded. As can be seen from Figure 13 below the 28 units at SR6 will be adjoined by open market housing. Al-in-all there will be seven patches of affordable housing across Lakelands and no one area will adjoin another.
- 15.7.8 Members will know that since the banking crisis of 2008 and the consequent knock-on slow -down in the economy the number of affordable homes being delivered has dropped dramatically. The development process is yielding fewer and fewer affordable homes through development related s106 Agreements as national housebuilders challenge affordable housing requirements on the grounds of project viability.
- 15.7.9 The need for affordable housing in Colchester remains high and the gap between delivery and demand is widening as a result of the slow-down in delivery. Currently there are some 4224 households in housing need with the greatest pressure being for 1 and 2 bedroom units.



- Phase A
- Phase B
- Phase C
- affordable housing
-

Figure 13: Distribution of affordable housing across later phases of Lakelands

- 15.7.7 Members are also advised that in response to local objections Flagship has offered to the Council that it would be willing to operate a local lettings policy in the first instance on SR6 or offer at least a proportion of the units on this basis. This offer has been rejected as being contrary to the Council's letting policy.
- 15.8.0 Residential Development (general)
- 15.8.1 Simon Pickles's advice in respect of residential use of the site being established by the permissions of 2012 and the 2010 Masterplan is clear.
- 15.8.2 Members will also have noted from Section 5 of this report that the site (and Lakelands more generally) is within the Stanway Growth Area (SGA). This is important because the Adopted Core Strategy (December 2008, revised July 2014) in Policy H1 – Housing Delivery states that the planned 19,000 new homes will be focused in five key locations described as Growth Areas + the Town centre. These include the Stanway Growth Area. (800 units).
- 15.8.3 Core Strategy Policy H2 – Housing Density (revised July 2014) states that the Borough Council will seek housing densities that make efficient use of land and relate to the context. New developments must enhance local character and optimise the capacity of accessible locations.
- 15.8.4 As discussed earlier the proposed development does accord with masterplan density targets and produces a density level well within the Government's range of acceptability. The design is considered appropriate in the context as described in paragraphs 15.2.0 to 15.2.2 above.
- 15.8.5 Core Strategy Policy H3 (revised July 2014) supports the delivery of a broad range of housing types and tenures on developments across the Borough in order to create inclusive and sustainable communities. It goes on to say...
- “.. Housing developments should provide a mix of housing types to suit a range of different households, whilst also realising the opportunities presented by accessible locations. The mix of housing types should therefore be informed by an appraisal of community context and housing need.
- Housing developments will also need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons with disabilities and those with special needs.”
- 15.8.6 The proposed mix will not only deliver the broad mix of accommodation required by H3 and will also contribute towards meeting the affordable housing objectives of the Council which remain a corporate planning priority. The development also includes within its 28 units a lifetime home bungalow, something that normal open market housebuilders rarely provide.

16.0 Conclusion

- 16.1 The detail of the development proposed in this Reserved Matters application complies with relevant adopted local plan policies and is therefore acceptable.
- 16.2 Whilst part of this application involves residential use of land identified on the Proposals Map (2010) as open space, this does not override the fact that outline planning permission has been granted for development of the site in accordance with a masterplan showing full residential development of the site. Furthermore, the development falls outside any of those categories requiring referral to the Secretary of State as a departure; and the Committee is therefore able to determine the application at the meeting.
- 16.3 Simon Pickles (Barrister) in his first Written legal Opinion concluded thus:-

“ The Council should approve the reserved matters application insofar as it provides for the residential development of the site because condition 1 attached to permissions 121040 & 121041, [the Lakelands 2 Design and Access Statement of July 2010] and the masterplan provide that development of the site should take that form. The Local Plan land use allocation has no bearing on the proper interpretation and effect [of] those planning permissions. [The Lakelands 2 design & Access Statement of July 2010] is the primary decision-making tool in this context, though the Local Plan may have some residual role to play in informing judgements that remain to be made as to detail.”

17.0 Recommendation

APPROVE subject to the following conditions:

1: Schedule of Types and Colours to be Submitted

Notwithstanding such detail as may have been submitted with the application no development shall proceed above ground (other than site level adjustment) until further details of all types and colours of external and surfacing materials to be used have been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where types and colours of external materials to be used should be harmonious to their surroundings in order to avoid any detrimental visual impact.

2. Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the approved drawings including the cross-sections.

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

3. Additional details on windows doors wall and railing etc

Prior to the installation, construction or otherwise provision of the features described herein additional drawings that show details of any proposed new windows, doors, eaves, verges, cills, arches, railings and boundary walls to be used, by section and elevation, at a scale of 1:20 shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to these elements to ensure that these details are of a sufficient high quality to produce a satisfactory appearance that will complement the attractive elevations as shown on the approved drawings. This is particularly important as the site is on a prominent corner and forms an entry point into the wider Lakelands development.

4. Landfill mitigation

Prior to commencement of any works full details of ground gas analysis and any associated mitigation measures necessary to be installed in any property or on any site where a risk of ground gas migration may have been identified shall be submitted to and approved by the local planning authority. Such detail as shall have been approved shall be implemented prior to the occupation of any residential unit where agreed mitigation measures are required or prior to the coming into use of any space where agreed mitigation measures are required.

Reason: In order to ensure that any contamination that may be found is properly mitigated. The Lakelands development is within 250m of the Stanway landfill site and this condition is a standard precautionary measure.

5. Landscaping Details

None of the elements described below shall be implemented, constructed or otherwise delivered until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried in accordance with an implementation programme that has been subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS. (IMPLENTATION PROGRAMME)

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

6. Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

7. Earthworks

No landscaping shall take place until full details of all earthworks have been submitted to and agreed, in writing, by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that any earthworks are acceptable in relation to their surroundings.

8. Construction Method Statement

No works shall take place, including groundworks, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction and delivery traffic routing

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

9. Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: Not at all

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

10. Refuse and recycling

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

11. Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of management arrangements for the maintenance of communal storage areas shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

12. Drainage

Prior to the commencement of any building construction work (excludes ground works) details of surface water and foul water drainage shall be submitted to and approved by the local planning authority along with details as to how any risk of off-site flooding will be mitigated. Such detail as shall have been approved shall be implemented prior to occupation of any unit/s.

Informatives:

NOTE: Demolition and Construction

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.

Positivity Statement

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.