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<b>ITEM NO</b>	7.2
<b>Application:</b>	183077
<b>Applicant:</b>	Mersea Homes
<b>Agent:</b>	David Lock Associates
<b>Proposal:</b>	Application for removal or variation of conditions following grant of planning permission. (121272)
<b>Location:</b>	North Colchester Urban Ext, Mile End Road, Colchester
<b>Ward:</b>	Mile End
<b>Officer:</b>	Alistair Day
<b>Recommendation:</b>	Approval

## **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 this application and a s106 legal agreement is required. Cllr Martin Goss has also requested that this application is referred to the Planning Committee for consideration as:

- Bartholomew Court was only ever planned as a bus route;
- It will displace existing residents parking; and
- It will push more traffic onto Mile End Road and, in particular, North Station Roundabout

## **2.0 Synopsis**

2.1 The key issue for consideration is whether the principle of serving 160 dwellings from Bartholomew Court on a temporary basis is acceptable. The report sets out the reasons for the amendment and the planning policy implications (including the potential impact on the five-year supply of housing land), the impacts on highway capacity and safety, parking, air quality and residential amenity. The report concludes that the provision of the temporary access is acceptable. Members are asked to resolve to approve this application subject to the conditions set out in the report and defer to the Assistant Director Policy and Corporate to enable the completion of new s106 legal agreement.

## **3.0 Site Description and Context**

3.1 The application site covers an area of approximately 103.74 hectares. In 2014 outline planning permission (ref 121272) was granted for a mixed-use development comprising up to 1,600 dwellings, a neighbourhood centre including commercial, residential and community uses, site for primary and secondary schools, strategic landscaping, green infrastructure and areas for outdoor sport facilities. This development has commenced with approximately 330 dwellings constructed in the northern part of the site. The remainder of the site consists of agricultural and grassland defined by hedgerows and trees.

3.2 The site is bounded to the north by the A12, beyond which the landscape has a predominantly rural character. The eastern boundary of the site is mainly formed by the rear boundaries of the properties fronting Mile End Road, Nayland Road, Fords Lane and Boxted Road; part of the eastern boundary of the site is formed by the Mile End recreation ground. The southern boundary of the site is primarily formed by the rear boundaries of the properties along Bergholt Road, Prior Road, Golden Dawn Way and Hugh Dickson Road. The site excludes land at Braiswick Farm. The southern boundary of the site is some 550m from Colchester's main railway station and some 2km from the town centre. The western boundary of the site is formed by the Colchester Golf Club.

3.3 Under the extant permission, the new dwellings are served from the realigned A134 and the primary street (the development's main estate road) that will

eventually run from the A134 in the north to Bartholomew Court in the south. Access via Bartholomew Court is proposed to be controlled by a bus gate. In addition to this, there are several points of access into the site that predate the Chesterwell development; these include Public Rights of Way.

- 3.4 The site is covered by a Tree Preservation Order (Order reference 87/10).
- 3.5 There are no international or national ecological, landscape designations within the application site. Braiswick Farm, which lies outside but immediately adjacent to the site, is listed grade II for its special architectural interest.

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

- 4.1 The purpose of this S73 application is to secure an alternative temporary access to the southern part of the site (serving up to 160 dwellings). This is due to a delay in the transfer of the land in the northern part of the site.
- 4.2 The applicant proposes that the following planning conditions attached to the original outline planning permission are varied:
- Condition 7: which requires the submission of Reserved Matters in accordance with approved drawings. It is proposed that revised drawing (reference MHC002/DFP/02 Rev G) will be approved and will thereby substitute drawing MHC002/DFP/02 Rev F Movement Network Plan).
  - Condition 8: which requires highway works to be constructed in compliance with specified drawings. It is proposed that revised drawing VD18773/P-100/D will substitute drawings VN20059-706-B (Primary Street Connection to Bartholomew Court Bus Gate) and VN20059-526-A (Bartholomew Court Bus Gate).
  - Condition 28: which precludes works starting on residential parcels R18 to R25 unless a scheme has been approved controlling access to Braiswick Lane.
  - Condition 62: which precludes occupation of residential parcels R18 to R25 until the Primary Street between parcel R16 and Mile End Road has been completed. It is proposed that restrictions are lifted in relation to parcels R20 to R25 but remains for parcels R18 and R19.
  - Condition 64: which precludes occupation of residential parcels R18 to R25 until the footpath/cycleway connection to Tuffnell Way has been completed. It is proposed that restrictions are lifted in relation to parcels R20 to R22, but remain for parcels R18, R19, and R23 to R25.

A s73 application is in effect a new planning application and therefore a new s106 legal agreement will be required. It is proposed to mirror the existing agreement and include a new schedule in relation to Recreation Avoidance Mitigation Strategy (RAMS).

- 4.3 The effect of the change is to temporarily allow all vehicles associated with the construction of 160 dwellings to access Mile End Road via Bartholomew Court. The purpose of this amendment is to permit the continuation of the Chesterwell development which would otherwise stall due to the existing land owner delaying the sale of the land to Mersea Homes. Once the primary street is completed, the access via Bartholomew Court will be closed to general vehicular traffic and a bus gate installed (as per the extant permission).

## **5.0 Land Use Allocation**

- 5.1 Predominantly residential

## **6.0 Relevant Planning History**

- 6.1 121272 - Outline Planning Permission for a mixed use development comprising up to 1,600 dwellings, a neighbourhood centre including commercial, residential and community uses, site for primary and secondary schools, strategic landscaping, green infrastructure and areas for outdoor sport facilities, access (in detail where specified) related infrastructure and other works and enabling works – Approved, subject to conditions and a s106 legal agreement.
- 6.2 Various reserved matters and discharge of condition applications (pursuant to the outline permission) have been approved for Phases 1 and 2 of the Chesterwell development.
- 6.3 191581 – S73 application to allow all vehicles associated with the construction of 160 dwellings to permanently access Mile End Road via Bartholomew Court.
- 6.4 191358 – reserved matters application (pursuant to outline application 121272) for the details of the southern section of the Primary Street.

## **7.0 Principal Policies**

- 7.1 In determining the planning applications regard has to be had to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 In this case, the development plan comprises the adopted Colchester Borough Core Strategy (adopted December 2008, amended 2014), adopted Colchester Borough Development Policies (adopted October 2010, amended 2014) and the Site Allocations (adopted 2010).

7.3 The Core Strategy provides strategic policies for the Borough; particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- CE1 - Centres and Employment Classification and Hierarchy
- CE2 - Mixed Use Centres
- CE2c - Local Centres
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

7.4 The Development Plan Policies provide more detailed planning policy guidance. The most relevant policies are:

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP7 Local Centres and Individual Shops
- DP10 Tourism, Leisure and Culture
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP15 Retention of Open Space and Indoor Sports Facilities
- 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
- DP25 Renewable Energy

- 7.5 Further to the above, the adopted Site Allocations policies set out below should also be taken into account in the decision making process:

SA CE1 Mixed Use Sites  
SA H1 Housing Allocations  
SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area  
SA NGA1 Appropriate Uses within the North Growth Area  
SA NGA2 Greenfield Sites in the North Growth Area  
SA NGA3 Employment Uses in the North Growth Area  
SA NGA4 Transport measures in North Growth Area  
SA NGA5 Transport Infrastructure related to the NGAUE

- 7.6 The National Planning Policy Framework (2019) is a material consideration and sets out the national planning principles that guide the decision taking process. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 7.7 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

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

North Colchester Growth Area  
Community Facilities  
Vehicle Parking Standards  
Sustainable Construction  
Open Space, Sport and Recreation  
The Essex Design Guide  
External Materials in New Developments  
Affordable Housing  
Cycling Delivery Strategy  
Myland Design Statement  
Myland Parish Plan

- 7.9 The Council is developing a new Local Plan (Submission Colchester Borough Local Plan 2017-2033). The whole of the emerging Local Plan was submitted to the Secretary of State in October 2017; however, the examination of the sections is taking place separately. The Section 1 examination hearing sessions were held in January and in May 2018. The Inspector had concerns with the plan's evidence base and the examination process has paused in order to allow additional work to be undertaken that would make the plan sound. Further hearing sessions are expected to take place at the end of the year. The examination of Section 2 of the emerging Local Plan is estimated to go ahead in the spring/summer of 2020 that has been submitted to the Planning Inspectorate (October 2017).

The NPPF states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
1. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
2. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies in the adopted local plan and the NPPF.

## **8.0 Consultations**

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

### Spatial Policy and Transportation

- 8.2 Planning applications 183077 and 191581 both involve removal of a planning conditions requiring provision of a bus gate at Bartholomew Court to restrict access by car to the Chesterwell development, also known as the Northern Growth Area Urban Extension (NGAUE). Application 191358 seeks approval for the details of the southern section of the Primary Street and details of the bus gate to control access between Bartholomew Court and the primary street.
- 8.3 Access by car for 160 units at the southern end of the site is intended to enable early development of that area. The remainder of the 1,600 dwellings consented by the 2014 approved permission for the scheme would retain access solely via the main access to the north. Application 183077 proposes that the bus gate relocation would be temporary, while application 191581 propose the permanent relocation of the bus gate.
- 8.4 In the Adopted Plan, Policy SD1 Sustainable Development is consistent with the NPPF's approach to decision-taking which entails approving proposals that accord with the Local Plan unless material considerations indicate otherwise, and which involves the Local Planning Authority working proactively with applicants. It is noted, however, that the housing and jobs target provided in SD1 and in policy H1 Housing no longer remain current. Whilst the supply figure itself may be out of date the principle of the overarching spatial strategy and the settlement hierarchy are not and as such weight should still be afforded to those elements of both policies. Transport policies TA1 Accessibility and Changing Travel Behaviour, TA2 Walking and Cycling and TA3 Public Transport, all support the shift to more sustainable transport modes and are considered able to be given full weight as they are compliant with the NPPF.

8.5 The NGAUE, is covered by Policies SA NGA1 Appropriate Uses within the North Growth Area and SA NGA2 Greenfield Sites in the North Growth Area and are also considered NPPF compliant. NGA2 refers to the requirement for the NGAUE to increase sustainability and minimise dependence on the private car through the provision of the following transport-related measures:

- On and off-site sustainable transport and highway improvements including continuous links through the site for public transport, cycling and pedestrians
- Comprehensive travel planning to reduce the need to travel by private motor car
- Provision of a convenient, cohesive, safe and attractive walking and cycling network to ensure local facilities are accessible
- Provision of public transport infrastructure and services to meet local needs and link into the wider network.

8.6 Paragraph 5.120 of the 2010 Site Allocations document notes a Supplementary Planning Document (SPD) was being prepared to inform the layout of development, general planning requirements and transportation improvements. The North Colchester Growth Area SPD was subsequently adopted in June 2012. The SPD states that 'In producing this Masterplan the Council has ensured that regard to good urban design principles is what shapes structure and layout and not the traditional highway first approach...The development... will make the use of public transport and non-car modes of transport attractive and realistic alternatives to the motor car.' (page 33). Measures would be expected to support effective access for the different uses programmed for the site.' 'Given the need to accommodate public transport and non-car movement, it is considered a structural imperative to manage the main vehicle movement route into the site as well as accommodate a range of services and facilities.' (page 47)

8.7 These general principles were then translated into specific design solutions, i.e. introduction of bus gates to ensure the ease of making bus journeys was prioritised over car journeys. The rationale for the bus gate at Bartholomew Close is set out on page 54:

*The public transport spine and main site access extend southwards through the site, maintaining a 400m bus stop catchment for the main residential zones. A bus-only link at Bartholomew Close ensures that the main spine road cannot function as a through-route for general vehicular traffic. Only buses, cyclists and pedestrians can access Mile End Road from the southern part of the site. All other vehicular traffic from the south must travel northwards on the spine road and egress the site in the north.*

It is noted that 'an exception may be made if temporary vehicular access is required to allow for phasing of development and delivery of infrastructure in the most timely manner'. The first application could fall within this category if the length of the temporary period is clarified by a time-limiting condition, while the application for a permanent variation would not.

- 8.8 The NGAUE lies within the area covered by the adopted Myland and Braiswick Neighbourhood Plan and is accordingly covered by its provisions. The Neighbourhood Plan's objective for roads and transport is that developments will be supported by road and transport strategies that provide effective and environmentally friendly travel solutions, through, inter alia, maximising opportunities to walk and cycle; taking into account design documents to enable integration of North Colchester through walking and cycling and multi-use routes between and within neighbourhoods; and ensuring public transport (bus) services are frequent, reliable and clean.
- 8.9 Development of the scheme was covered by specific policies in the adopted Local Plan, so the emerging Local Plan is relevant primarily for its reinforcement of support for sustainable travel measures. The Vision for the plan states that 'new development will be designed and located to ensure that residents are, from the start, able to reach a wide range of destinations using sustainable transport methods.' Policy SG1 states that 'development will be supported where a real travel choice is provided and sustainable travel for different purposes is promoted throughout the day'. Policy DM20 Promoting Sustainable Transport and Changing Travel Behaviour states that 'the Local Planning Authority will work with developers and other partners to increase modal shift towards sustainable modes by improving accessibility of development through the promotion of walking and cycling as an integral part of development, and by further improving public transport'.
- 8.10 The Transport Assessment considers that the result of the revised access arrangements will be a small re-distribution of traffic activity associated with the development (Para 3.4.3). Even if it was agreed that traffic impact would be minimal, this does not cover the effect of the scheme on the willingness of the residents in the car-accessible units to use more sustainable travel methods. Development of the masterplan involved careful thought and incorporation of a range of supporting measures to ensure that new residents would favour sustainable travel methods from day one. Chipping away at selected elements of sustainable transport methods is at odds with the clear policy steer on the importance of their use in the NGAUE and their incorporation into the masterplan.
- 8.11 The applicants addressed this issue in their 14 February letter providing further information to supplement 183077, arguing that the effect on sustainability is at worst de minimis and at best neutral:

*The proposed modifications will continue to mean that the majority of the development (1440 of the 1600 dwellings – 90%) will continue to be served by private car access to the north only. Accessibility by sustainable modes to the south is unhindered and will continue to represent an alternative and convenient alternative to the car. For the 10% of residents in the southern part of the site, on-site services at the neighbourhood centre (including schools, shops and community facilities, as well as playing fields) will be more conveniently accessed on foot, by bicycle and bus then by car (which would require a longer*

*journey via Mile End Road, Mill Road and then back to the neighbourhood centre). The advantages of sustainable journey choices within the site are, if anything, enhanced. Journeys from the limited southern phase of development to the train station will continue to benefit from the proximity and convenience which previously existed (and being the closest phase of development to those facilities, the most likely to be attractive and practical in sustainable transport terms). For example, journeys to the train station or town centre will still be influenced by parking restrictions and costs as they were previously, and over short distances, sustainable modes of travel are at their most attractive and convenient. Cycle, foot and bus connections are unhindered. We consider, therefore, that any dilution of sustainability credential for those travelling south from the scheme is limited and will not fundamentally undermine the sustainability credentials of the scheme as a whole.*

- 8.12 The applicants contend that any reduction of sustainability is outweighed by the benefits of maintaining housing delivery rates. They note operational constraints and delays on land release that have led them to pursue an alternative development programme. No other additional options are presented, however, that might also help sustain development rates.
- 8.13 The planning balance in this instance depends on weighing up the potential harm to sustainability aims versus the benefits of facilitating housing delivery, both of which are difficult to quantify.
- 8.14 The general principles at stake are only slightly modified by the further need to consider the merits of a temporary vs. permanent change to the bus gate. A very temporary change might not be deemed to have a lasting effect on travel choices, but a change that is 'temporary' for five years or over would clearly involve the establishment of ingrained resident travel habits that would involve reliance on car use of the southern access.
- 8.15 The delay in the release of land in the central portion of the site has necessitated consideration of an alternative phasing strategy to maintain delivery rates on site. It is considered that the permanent solution conflicts with the Masterplan vision to encourage use of sustainable modes of travel from day one. A temporary solution, limited in time by condition, should ensure that the temporary time period is kept to a minimum. Additional options on delivering the infrastructure to complete the road link as quickly as possible should be considered. It should also be ensured that links are in place (footway/cycle links) that enable residents of the southern end of the site to travel north sustainably to the proposed school and neighbourhood centre.

### Environmental Protection (General)

- 8.16 Environmental Protection has no objection to the variation of the condition. However they recommend the bus gate is relocated to the original location in the planning permission once the northern access road is completed.

### Environmental Protection (Air Quality)

- 8.17 Environmental Protection have advised that when considering the traffic data and Air Quality forecasts made in the Air Quality Impact Assessment, the proposed changes are acceptable on air quality grounds.

### Highway Authority

- 8.18 The Highway Authority has advised that **from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:**

1. No commencement of the development shall take place until a Traffic Regulation Order and all associated works for the Bartholomew Court bus gate has been provided or completed (at the applicant's expense)  
**Reason:** To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking
  
2. No occupation of the development on parcels R17 to R19 and 68 dwellings on parcel R16 (as defined by the Development Framework Plan) shall take place until the following have been provided or completed:
  - a) North Growth Area Urban Extension's Primary Street between parcel R16 and Mile End Road, via Bartholomew Court and;
  - b) The Bartholomew Court bus gate as intended by outline planning permission 121272**Reason:** To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking

Note:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate

## **9.0 Parish Council Response**

- 9.1 The Parish Council have stated that this application is simply to enhance sales momentum in the existing development phases by opening another point of sale. It does not bring any additional support to modal shift which Essex Highways claim as key to enabling north Colchester's transport infrastructure to cope with planned housing development. It can be argued that this application actually undermines that strategy. It further complicates the already problematic situation at Mile End Road's entry into the North Station Roundabout for south bound traffic. There is no recognition within the Application of any impact at the Nayland Road/Mill Road

junction for north bound traffic. There is a danger of increased journeys in this direction e.g. from the 160 dwellings into local routes for Chesterwell Schools. It substantially affects the amenity of Bartholomew Court residents adjacent to the road, particularly during development construction phases. It is the view of MCC that the conditions associated with Outline Planning application 121272 were necessary and sensible and should remain in place.

## **10.0 Representations from Notified Parties**

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

- The original proposal was accepted on the argument that only buses will pass through Bartholomew court.
- Making access by car easier will encourage more car trips while the original proposal (all access via the north of the development) would mean people would give more consideration as to how they make a particular trip.
- It will result in hundreds of new car journeys per day into Mile End Road which will impact on the junction of Mile End Road and the Station roundabout network, which is already difficult to exit at peak periods.
- the exit road will need widening with subsequent loss of pedestrian access.
- Cars will be turning left to access the NAR from Mill Road and as such cause further issues around the school doctors and nursery access
- the parking outside the Church is problematic - there is very little room to pass let alone when buses are there. This has resulted minor accidents; it is only a matter of time before a significant accident occurs
- Car parking for residents of Bartholomew Court will be lost and displaced into Mile End Road which has little space already
- the exit will cross a relatively newly created cycle and pedestrian path that is growing in use as connects to mainline station.
- It will have a negative effect on the living environment of those who live in the area
- The use of a bus gate may stop the road becoming a through road, however until ANPR cameras are switched on this would effectively make a lovely through road from the top of Chesterwell to the bottom
- Mile End is too over developed
- Bartholomew Court was intended as a bus only access route into and out of Mile End Road and this is an example of developers trying to sneak in amendments to the original plan to the detriment of residents already affected by this dreadful development
- One could suggest that using Bartholomew Court for private vehicle access was planned all along and such plan was cynically concealed in their original application.
- There has been no communication from the developers to local residents
- Congestion/ pollution will endanger the health of people living in the "fume canyon"

## Ward Councillors

### 10.2 Cllr Goss comments can be summarised as follows:

- Parking will be removed from Bartholomew Court. Any loss of parking on the road needs to be reinstated elsewhere so these residents suffer no detriment. This hasn't been catered for in the plans.
- The bus gate must absolutely have rising electronically controlled bollards so this route cannot be used as a rat run by all traffic on Chesterwell.
- Peak traffic has issues leaving the bottom end of Mile End Road as no traffic lights exist to control the flow of traffic. Although residents are expected to use the NAR to get via North Station, Mile End Road is a well used route for local traffic and 160 more dwellings will simply increase traffic queues on Mile End Road with no way of getting out at peak times.
- Overall the original conditions should be stuck to and these changes shouldn't go ahead.

### 10.3 Comments from Cllr King can be summarised as follows:

The proposal does not create an overall impact, but the pressures from this development, when allied with other new housing are already significant. The development access through Bartholomew Court may redistribute some of this pressure. However...

- the change from a bus route only to allow vehicle access for 160 households is highly undesirable as it will mean over 200 extra vehicles using this exit. At peak times the effect will be to add to queuing traffic at North Station.
- The proposals will displace parking around Bartholomew Court. Around 10 cars park here daily and this may bring traffic flow and car parking issues into this new part of the development. Like other new developments car parking space is already insufficient and cars elsewhere in Chesterwell regularly park on yellow lines or the pavements.
- this change departs from undertakings and assurances given to the local Mile End and Mile End Rd community. That is damaging to trust in the developers and the planning process. And it will suggest that other changes to traffic flows may follow (such as access at the south end of Chesterwell).

These concerns need to be raised with the developers. They should consider what they may do to reduce the impact and asked to affirm that this access change is the only one they will seek.

10.4 Comments from Cllr Coleman can be summarised as follows:

- This proposal goes against the initial planning agreement that ensured vehicles did not have access via Mile End Road but onto the newly created A134 and Northern Approach Road.
- The exit road will need widening to accommodate for buses with subsequent loss of pedestrian access.
- Car parking for residents of Bartholomew Court will be lost and displaced into Mile End Road which has little space already.
- The exit will cross a relatively newly created cycle and pedestrian path that is growing in use as connects to mainline station.
- Hundreds of new car journeys per day into Mile End Road will impact on the junction of Mile End Road and the Station roundabout network, which is already difficult to exit at peak periods.

### **11.0 Parking Provision**

11.1 No change from the extant permission 121272

### **12.0 Accessibility**

12.1 Accessibility issues will be considered at the reserved matters (detailed design) stage and will have due regard to the requirement of the Building Regulations and the duties imposed under the Equalities Act

### **13.0 Open Space Provisions**

13.1 No change from the extant permission 121272

### **14.0 Air Quality**

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

### **15.0 Planning Obligations**

15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. It was agreed the obligations would mirror the extant planning permission and include an additional obligation to cover the RAMS tariff.

### **16.0 Environmental Impact Assessment**

16.1 The extant outline planning permission was subject to an Environmental Impact Assessment (EIA). A s73 application is considered to be a new application under the EIA Regulations. The NPPG Reference ID: 17a-016-20140306 Paragraph 161 states that an Environmental Statement (ES) must be submitted with a s73 application for development if it is considered to be EIA development. An ES Updated (‘ESU’) is submitted as part of this s73 submission, which the agent

has advised should be read alongside the ES and ES Addendum which supported determination of the extant outline planning application.

16.2 It is not considered that the current application would fundamentally alter the conclusions of the original ES i.e. the development would not result in significant effects.

## **17.0 Report**

### Background

17.1 Outline planning permission was granted in July 2014 for the Chesterwell development (ref 121272). This application proposed a mixed-use development comprising up to 1,600 dwellings, a neighbourhood centre including commercial, residential and community uses, site for primary and secondary schools, strategic landscaping, green infrastructure and areas for outdoor sport facilities, access (in detail where specified) related infrastructure and other works and enabling works. This permission remains extant.

17.2 Under the extant permission, the main vehicular access is located at the north of the development, off the A134. A secondary access is to be provided onto Mile End Road; this is formed by the extension of Bartholomew Court into the site and is to be restricted to bus traffic only (by the installation of a 'bus gate'). The Primary Street is to be completed and the bus gate formed prior to the occupation of land parcels R18 to R25.

### The Proposal

17.3 The submitted s73 application seeks planning permission to provide temporary vehicular access via Bartholomew Court to serve up to 160 dwellings. The supporting information states that this access will remain in place until the completion of the primary street. Once the primary street has been completed, a bus gate is to be installed in the vicinity of Bartholomew Court. The 160 dwellings would then gain access from the north as per the requirements of the extant permission.

17.4 To enable the temporary access of Bartholomew Court by all vehicular traffic the application seeks permission to vary the following planning conditions of the original outline planning permission:

- Condition 7: which requires the submission of Reserved Matters in accordance with approved drawings. It is proposed that revised drawing (reference MHC002/DFP/02 Rev G) will be approved and will thereby substitute drawing MHC002/DFP/02 Rev F Movement Network Plan).
- Condition 8: which requires highway works to be constructed in compliance with specified drawings. It is proposed that revised drawing VD18773/P-100/D will substitute drawings VN20059-706-B (Primary Street Connection to Bartholomew Court Bus Gate) and VN20059-526-A (Bartholomew Court Bus Gate).

- Condition 28: which precludes works starting on residential parcels R18 to R25 unless a scheme has been approved controlling access to Braiswick Lane. This condition has been discharged and does not need to be carried onto any new grant of outline planning permission.
- Condition 62: which precludes occupation of residential parcels R18 to R25 until the Primary Street between parcel R16 and Mile End Road has been completed. It is proposed that restrictions are lifted in relation to parcels R20 to R25, but remains for parcels R18 and R19.
- Condition 64: which precludes occupation of residential parcels R18 to R25 until the footpath/cycleway connection to Tuffnell Way has been completed. It is proposed that restrictions are lifted in relation to parcels R20 to R22, but remain for parcels R18, R19, and R23 to R25.

- 17.5 The other planning conditions on the original outline planning permission are to be carried over as existing or, where relevant, amended to reflect details that have been approved through the discharge of conditions under application 121272 and remain consistent with the current proposal. Additional conditions are also recommended in the interest of the proper planning of this development.
- 17.6 Approximately 100 letters of objection have been received to this application. Broadly, these objections relate to the principle of the proposal, impacts on highway capacity and safety (including pedestrians and cyclists), parking, air quality and residential amenity.

#### Reason for the application and Policy Implications

- 17.7 The adopted Site Allocation Plan sets out the framework for transportation matters pertaining to the North Growth Area Urban Extension (now known as the Chesterwell development). The required highway works are elaborated on in the adopted North Colchester Growth Area SPD. In addition to required highway works, the SPD seeks to develop a layout that maximises the potential for modal shift away from the use of the private car. This is to be achieved in part by creating a strong and accessible network of cycleways and footpaths, by promoting accessible public transport services and by having a single point of access for car users located at the northern end of the site.
- 17.8 Objection has been raised on the grounds that the proposal to create a temporary vehicular access point onto Mile End Road via Bartholomew Court would represent a dilution of sustainability principles of the adopted SPD. Comment has also been made that the proposal represents a breach of trust and the reassurances previously provided by the developer.
- 17.9 The agent has explained that the developer has properly planned to continue development in the north but a landowner that provides for that planned delivery is not allowing this to happen. As a consequence of this, legal proceedings are underway to secure the release of this land. It is this change in circumstance that has resulted in need to amend the original access proposals. By their nature, the legal proceedings will delay the delivery of the land and interrupt the supply of housing. Because of the time lags involved, annual completions (which

have been as high as 150 dwelling per annum) are now programmed to reduce to 80 dwellings this year, falling to 60 dwellings in 2020 and then zero dwellings in 2021.

- 17.10 As Members will be aware, the Council is obliged to maintain a five-year housing land supply through a plan-led system. The Council is currently able to demonstrate a five-year supply of housing land and the Chesterwell development is identified as providing 148 units per annum towards this. Due to the issue with the land sale, housing delivery at this site is projected to fall below Borough's requirements in 2019, 2020 and 2021. The applicant owns the land at southern end of the site. The early development of this land will allow for the continuation of the Chesterwell development. Without the release of southern part of the site (which can only be facilitated by allowing Bartholomew Court to be used by all vehicles on a temporary bases) the Council's five-year supply of housing land would be jeopardised. This in turn would make the promotion of unplanned speculative sites more likely and difficult to defend. In view of this, whilst the temporary use of the Bartholomew Court access for general traffic may conflict with the established transportation aspirations for the Chesterwell development, it will enable the continuation of the delivery of housing on an allocated housing site and reduce the potential for unplanned development elsewhere in the Borough. This weighs in favour of the current application.
- 17.11 Objections relating the to the potential for this application to undermine the key accessibility principle of this development are appreciated. The agent states that the accessibility by sustainable modes to the south will continue to represent a convenient alternative to the car. They also opine that it will be more convenient for the residents of the 160 dwellings to access the planned on-site services at the neighbourhood centre (schools, shops and community facilities) on foot or by bike than by car (which will involve a longer journey via Mile End Road, Mill Road, the Northern Approaches and A134 before turning into the neighbourhood centre). Journeys to the train station will continue to benefit from the close proximity and convenience which previously existed. The agent also states that journeys to the train station or town centre will still be influenced by parking restrictions and costs. For these reasons, the agent argues that that any dilution of sustainability credential for those travelling south from the scheme will limited and that the proposal will not fundamentally undermine the sustainability credentials of the scheme as a whole. This point has been discussed Highway Authority and they have advised that they do not share this view. In the opinion of the Highway Authority, future residents would initially be reliant on the off-site provision of services (which would be accessed by car) and this would lead to an entrenched way of life – i.e. occupiers would continue to use the car for short trips.
- 17.12 Irrespective of the weight afforded to the above arguments, it is also important to note that, whilst the adopted SPD promotes a single point of access for general vehicular traffic, it does allow for an exception for temporary vehicular access to be made if this is required for the phasing of development and delivery of infrastructure in a timely manner. The current delays being experienced with the land sale are considered to constitute a legitimate reason to accept a temporary alternative access.

17.13 The submitted application does not define how long the temporary access will be required for; the supporting information simply states that Bartholomew Court will be used by the 160 dwellings until the completion of the primary street at which time a bus gate will be installed. Officers have expressed concern to the applicant regarding the potential open-ended nature of this proposal. In response, the applicant has stated that they have reviewed the Phasing Strategy and cannot commit to a fixed timeframe for the installation of a bus gate. The applicant states that the reason for this is that they would not be able to allow occupations of units in case they were unable to deliver to the timeframe for reasons outside their control. Officers remain of the view that the simplest solution would be to have a condition that requires the bus gate to be installed within 5 years of the first occupation of the development. However, officers have sought to work with the approach preferred by the developer, which is to tie the installation of the bus gate to the occupation of units / development parcels. A condition is therefore proposed that prevents the occupation of parcels R17 to R19 and 68 dwellings on parcel R16. This would allow the development of parcels R1 to R3, parcels R11 to R15 and part of parcel R16 (80 units). Using the projected housing delivery figures for this site (148 units per year) this would mean that the bus gate would be delivered in approximately 5.2 years. Members should note that, if housing delivery rates slow, the bus gate would be delivered later, conversely, if housing completion rates increase the bus gate would be delivered earlier.

#### Highway Safety and Capacity Issues

- 17.14 Under the extant permission, access from the Chesterwell development via Bartholomew Court is to be controlled by installation of a bus gate. Details of the improvements required to Bartholomew Court (widening and incorporation of footpaths) were also approved as a part of the original outline planning application.
- 17.15 Bartholomew Court is an existing road which provides access to the housing in 'Bartholomew Court' from Mile End Road. The existing carriageway is 4.8m wide and 1.5m footways are provided on both sides of the road. It is proposed under the current application to increase the carriageway width of Bartholomew Court to 6.75m and to widen the footways to 2m. These works are consistent with that approved under the extant outline permission.
- 17.16 Objections have been raised by local residents due to concerns about the potential impact that general traffic from the development accessing Bartholomew Court would have on the surrounding highway network (capacity and safety). Objection has also been made on the grounds that the proposal would result in the displacement of existing on-street parking in Bartholomew Court.
- 17.17 The Transport Assessment that accompanied the original outline planning application modelled planned growth up to 2021 and 2023. An updated Transport Statement has been submitted in support of the current application. This notes that there will be no net trip generation resulting from the temporary

use of Bartholomew Court as the overall proposed dwelling numbers will remain the same. Under the original application, the 160 dwellings would have accessed the development via the main site access to the north. Traffic heading south from this access would have previously used the A134 Northern Access Road, whilst traffic heading north from the site would have been made up of two elements – some traffic would head north on the A134 and some to the A12 (via the Northern Access Road). The revised access proposals will result in the traffic associated with the 160 dwellings being re-routed to temporarily use Bartholomew Court. The revised access will see this traffic approaching development from Mile End Road which, as the Transport Statement notes, is generally a much more lightly trafficked route since a 'bus only' restriction was introduced at the northern end of Mile End Road/Nayland Road. With the temporary access proposal, traffic heading north will use Mile End Road and travel east on Mill Lane to reach the Northern Access Road. Traffic heading south would use Mile End and travel through North Station Roundabout. The submitted Transport Statement advises that the impact of the expected traffic rerouting is minor; being a maximum of 30 vehicles in the AM peak south bound direction; this equates to approximately 1 additional car every two minutes. The Transport Consultants states that this increase in traffic would be imperceptible and would not have any material impact on Mile End Road or the 'North Station Roundabout'. It is understood that the Highway Authority do not object to this assessment.

- 17.18 Concern has been raised about the potential for increased risk of accidents. The Transport Statement notes that there have been no traffic collisions recorded on Mile End Road in the vicinity of Bartholomew Court and that the only recorded accident is on the section of Mile End Road towards the junction with Mill Road.
- 17.19 The loss of ancillary on-street parking along Bartholomew Court is also raised as an objection. Allocated parking is provided for residents at Bartholomew Court and the applications (both extant and proposed) do not affect these arrangements. With regard to the loss of on-street parking from Bartholomew Court, Members are advised that this was agreed under the extant permission and the proposals remain alternated under this application. Given the past approval, it would not now be considered reasonable to seek an amendment in respect of this matter.
- 17.20 Objection to the application has been raised on the grounds that an increased number of cyclists are using Mile End Road and that this will give rise to conflict at the Bartholomew Court junction. Concern has also been expressed that the ability to drive from the southern part of the development onto Mile End Road (rather than via the northern access to the development) will dissuade would-be cyclists from cycling. The potential for conflict between motorists and cyclists has been raised with the Highway Authority. Should the Highway Authority consider that traffic calming and/or further junction improvements are necessary, then they can recommend additional conditions to ensure that pedestrian and cycle safety is maintained. Members are advised that the Highway Authority has not indicated that they have any concerns regarding the design of the previously agreed Bartholomew Court junction with Mile End Road. It is also understood that the developer has submitted an application (s278

works) to the Highway Authority to implement the agreed junction improvement works. The supporting information notes that the proposed development makes provision for cycle facilities into the site (including direct route to the station) and residents in the southern part of the site will still be able take advantage of these. In the light of this, the agent argues that potential for sustainable transport choices is undiminished.

- 17.21 The Highway Authority has verbally advised that the use of the temporary use Bartholomew Court for general vehicular traffic will not have a severe impact on the surrounding highway network in terms of highway capacity or have an adverse impact of Highway safety.

#### Enforceability of the Bus-gate

- 17.22 Concern is raised as to the enforceability of the bus gate. This is not a new consideration and it applies equally to the proposals for which planning permission has already been granted. The agent states that the form of the bus gate is not presently for determination but notes that whilst there are a number of possible measures which could be implemented, in-principle agreement with ECC indicates that highway cameras would be used to enforce the restriction as used elsewhere in the Borough. Objectors raise concerns that, in their view, other similar bus gate provisions have either been delayed in implementation or are ineffective. The agent has advised that provision will be made in a planned and timely way, controlled as necessary under planning condition or obligation.

#### Air Quality

- 17.23 Objection has been raised on the grounds that the proposal to allow all vehicles to access Bartholomew Court will have an adverse impact on air quality. An updated Air Quality report has been submitted in support of this application. The report notes that the predicted pollutant concentrations identified in the 2012 Environmental Statement were all well below the air quality objectives. The updated report considers it highly unlikely that the changes associated with the revised access strategy will affect the outcome and conclusions of the 2012 assessment. Environmental Protection note the conclusions of the report are based on revised traffic data which indicates that an amended access would allow for a further 679 vehicles per day on Mile End Road. Environmental Protection note that the AQIA forecasts a negligible impact for all locations / pollutants other than for NO<sub>2</sub> at a receptor within Bartholomew Court where a slightly adverse impact has been identified. They have however advised that the annual mean is predicted to be just 23.6ug/m<sup>3</sup>. Environmental Protection conclude that, when considering the traffic data and air quality forecasts made in the AQIA, the proposed changes are acceptable based on air quality grounds.

### Impact on Residential Amenity

17.24 Local residents have raised an objection to the current application on the grounds of adverse impact on residential amenity. The Noise Assessment submitted as part of the application demonstrates that either low or no impacts are likely to arise as a consequence of the revised access arrangements. Environmental Protection has not raised an objection to this application on the grounds of potential adverse impacts on residential amenity. It is accepted that construction works and associated traffic can cause noise and disturbance; however conditions are proposed that will adequately address this issue.

### Other matters

17.25 As noted above, the s73 application proposes the variation of conditions 7, 8, 28, 62 and 64. These conditions are discussed in turn below:

- Conditions 7 and 8: it was requested that the selected drawings were updated to reflect a permanent use of Bartholomew Court by general traffic. Through negotiation, this application has been amended to provide a temporary access solution. In view of this, it is not now considered necessary to change the drawings as originally approved these show the bus gate in the vicinity of Bartholomew Court. It is therefore recommended that Conditions 7 and 8 will remain unchanged from the extant planning permission.
- Condition 28: this condition currently precludes works starting on residential parcels R18 to R25 unless a scheme has been approved controlling access to Braiswick Lane. The agent notes that this condition has been discharged (under the extant permission) and opines that this does not need to be carried onto any new grant of outline planning permission. Officers disagree with this view. Whilst the details of controlling the access have been agreed, a condition is still required to ensure that the agreed details are implemented at an appropriate stage. It is therefore to reword this condition.
- Condition 62: this condition currently precludes the occupation of residential parcels R18 to R25 until the Primary Street between parcel R16 and Mile End Road has been completed. As discussed above, it is proposed reword this condition to allow the occupation of parcels R20 to R25 and to prevent the occupation of R18 and R19 (as per the existing permission) and extended the no occupations to include parcels R11 to R17.
- Condition 64: this condition currently occupation of residential parcels R18 to R25 until the footpath/cycleway connection to Tuffnell Way has been completed. It is proposed that restrictions are lifted in relation to parcels R20 to R22, but remain for parcels R18, R19, and R23 to R25.

17.26 In addition to the above, the following new conditions are recommended:

- A condition to prevent no more than 160 dwellings being occupied on parcels R20 to R25 until the Primary Street between parcel R16 and Mile End Road has been completed.
- A condition to reflect the mitigation measures set out in Chesterwell Information Towards a Habitats Regulations Assessment Report
- A condition to prevent the possibility of this permission and the extant permission (ref 121272) being jointly implemented

## **18.0 Conclusion**

18.1 The application to permit 160 dwellings to use Bartholomew Court as a temporary access will enable the continuation of the Chesterwell development and contribute positively to the Council's five year housing land supply. This weighs in favour of the application. There is also sufficient evidence to demonstrate that the proposal will not have detrimental impact on air quality, residential amenity and/or parking. The use of Bartholomew Court by all vehicles on a temporary basis is also not considered to have a severe impact on highway capacity or be to the detriment of highway safety. A key principle of the Chesterwell development is the promotion of public transport and non-car modes of transport as a realistic alternative to the car. To this end, the Council's adopted guidance notes the structural imperative the main vehicular movement into the site (from the north) and prioritise bus journeys over car journeys by the introduction of a bus gate at Bartholomew Court. The proposed use of Bartholomew Court as a temporary access will undermine a key principle of the development as it will harm the scheme's sustainability and accessibility credentials. Having given careful consideration to application, the submitted representations and local and national planning policy and guidance it is considered, on balance, that the current application can be accepted. This conclusion is on the basis that this application will enable the continued delivery of this strategically important development site and that the Bartholomew Court access is used by all vehicles as a short term temporary measure. The application is therefore recommended for approval subject to conditions and the completion of a s106 agreement.

## **19.0 Recommendation to the Committee**

19.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Assistant Director of Policy and Corporate to refuse the application, or otherwise to be authorised to complete the agreement. The S106 agreement is to mirror the completed agreement for application 121272 and include clauses to cover RAMS contribution, a TRO in relation to the bus gate (to be in place before the commencement of development) and the potential for joint implementation of this application and application 121272. On the completion of the legal agreement the planning permission is issued subject to the following conditions:

1. Approvals of the details of the layout, scale, landscape and appearance of any part of the residential development (R1 to R25 as defined on the Development Framework Plan) within each phase of the development hereby permitted (including G1 to G25 and W1 and W2) ('the residential reserved matters') shall be obtained in writing from the Local Planning Authority before that part of the residential development is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.  
Reason: To comply with the provision of section 92 of the Town and Country Planning Act as amended
2. Approvals of the details of the layout, scale, landscaping and appearance of any part of the non-residential development (NC1, NC2, EDU and OSF1 and OSF2 (including primary and secondary infrastructure) within each phase of the development hereby permitted ('the non-residential reserved matters') shall be obtained in writing from the Local Planning Authority before that part of the non-residential development is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.  
Reason: To comply with the provision of section 92 of the Town and Country Planning Act as amended.
3. Application for approval of all the residential reserved matters in respect of Phase 1 of the development (as defined by Strategic Phasing Strategy) hereby permitted shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.  
Reason: To comply with the provision of section 92 of the Town and Country Planning Act as amended.
4. Application for approval of all the residential reserved matters and non-residential reserved matters in respect of each subsequent phase of the development (as defined by Strategic Phasing Strategy) hereby permitted shall be made to the Local Planning Authority before the expiration of 12 years from the date of this permission.  
Reason: To comply with the provision of section 92 of the Town and Country Planning Act as amended.
5. The first Phase of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 1 year from the date of approval of the last of the residential reserved matters (as the case may be) to be approved in respect of that phase, whichever is the later.  
Reason: To comply with the provision of section 92 of the Town and Country Planning Act as amended.

6. Subsequent phases of the development hereby permitted shall be begun either before the expiration of 12 years from the date of this permission, or before the expiration of 1 year from the date of approval of the last of the residential reserved matters or the non-residential reserved matters (as the case may be) to be approved in respect of that phase, whichever is the later.  
Reason: To comply with the provision of section 92 of the Town and Country Planning Act as amended.

7. Subject to compliance with the requirements of any other conditions, the submission of Reserved Matters for any part of the site or phase shall be carried out in accordance with the following drawings unless otherwise agreed in writing with the Local Planning Authority:

- Location Plan - drawing no. MHC002/PA/001
- Development Framework Plan - drawing no. MHC002/DFP/01 Rev H
- Movement Network Plan - drawing no. MHC002/DFP/02 Rev F
- Residential Density - drawing no. MHC002/DFP/03 C
- Building heights - drawing no. MHC002/DFP/04 C
- Landscape Framework Plan - drawing no. MHC002/DFP/05 Rev C.

Reason: To ensure that the development is carried out in accordance with the Environmental Statement and the Environmental Impact Assessment Regulations and in the interest of proper planning.

8. Unless otherwise agreed in writing by the Local Planning Authority and subject to compliance with the requirements of any other conditions the highway works shall be carried out in accordance with the following plans:

- VN20059-555-C - A12 Junction 28 Southern Roundabout (potential changes to road markings and signage)
- VN20059-702-B - Nayland Road Diversion Link
- VN20059-704-C - NAR3 / Mill Road Junction Improvements
- VN20059-705-C - NAR3 / Boxted Road Link Junction Improvements
- VN20059-712-C - Nayland Road Diversion Link and Eastern Access Road link
- VN20059-706-B - Primary Street connection to Bartholomew Court Bus Gate
- VN20059-526-A - Bartholomew Court Bus Gate
- VN20059-707-B - Pedestrian / Cycle Connection to Bergholt Road
- VN20059-708-B - Potential Bergholt Road / Tufnell Way Cycle Link Connection

Reason: To ensure that the development is carried out in accordance with the Environmental Statement and in the interest of efficient operation of the highway network and proper planning.

9. The development hereby permitted authorises the erection of no more than 1600 dwellings.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure that the development is carried out in accordance with the Environmental Statement and the Environmental Impact

Assessment Regulations.

10. The Neighbourhood Centre shall be developed in conjunction with residential development hereby permitted and a minimum 200 units shall be constructed prior to work starting on the non-residential development unless otherwise agreed in writing by the Local Planning Authority.

Reason: The retail and associated uses on their own would represent an isolated development out of character with the surroundings and in order not to prejudice the shopping hierarchy of Colchester.

11. Prior to the submission of the first residential reserved matters a detailed programme of phasing of the Development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority (herein referred to as 'the Strategic Phasing Strategy'). The Strategic Phasing Strategy shall include;

- A plan defining the extent of the area of each phase;
- Details of the approximate number of residential units to be accommodated within each phase;
- Details of the quantum and type of open space (both strategic and local) and outdoor sports facilities to be provided in each phase and a timetable for its provision for use by the public; and
- An approximate timetable for the implementation of works within each phase. The development shall be implemented in accordance with the approved Strategic Phasing Strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is comprehensively designed and phased and to ensure that there is maximum practical integration between the different landuses both within and beyond the site.

12. **The development hereby permitted shall be implemented in accordance with the Colchester North Statement of Design Principles prepared by DLA dated December 2104** ~~Save for the areas covered by Design Briefs in condition 13, prior to commencement of development or the determination of the first residential reserved matters application, a Statement of Design Principles shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Design Principles shall demonstrate how the objectives of the Design and Access Statement will be met. The Statement of Design Principles shall cover the following:-~~

- ~~Built form (including block structure, building forms, building lines and set backs)-~~
- ~~Public realm (including landscape design principles, protection of views and street types)-~~
- ~~Private spaces-~~
- **Character areas**

On the substantial completion of each character area the approved Design Principles shall be reviewed and amended as necessary to take account of changing circumstances. The development shall be carried out in accordance with the approved Statement of Design Principles.

Reason: To ensure that high standards of urban design and that the development is comprehensively planned and that there is appropriate integration between both the different parts of the development and the land surrounding the site achieved.

13. Prior to the submission of reserved matters application(s) in relation to: i) the Neighbourhood Centre (as defined on the Development Framework Plan) and; ii) the EDU1 (the Early Years, Primary and Secondary Schools sites) Design Briefs shall have been submitted to and approved in writing by the Local Planning Authority for these identified parts of the site. In bringing forward the Neighbourhood Centre and Early Years Primary and Secondary School Design Briefs, details shall be provided to the Local Planning Authority of the following:

(a) The Neighbourhood Centre Design Brief shall (as a minimum) cover the following principles:

- i. individual tranche boundaries, land use and access, footpath and cycleway networks including links outside the site boundary;
- ii. proposed landscape framework, including the retention of existing trees and hedges and new structural planting;
- iii. general layout, arrangement of land uses, urban form and design principles,
- iv. public realm strategy (including the urban plaza)
- v. a strategy to accommodate bus services indicating, as appropriate, bus only lanes, bus shelters and bus turning facilities;
- vii. details of parking including parking/dropping off areas for schools; and
- viii. details of the timing of provision of the proposed uses.

(b) The Early Years, Primary and Secondary School Design Brief shall cover the following principles:

- i. boundaries, land use, parking and access and footpath and cycleway networks including links outside the site boundary
- ii. proposed landscape framework, including the retention of existing trees and hedges and new structural planting; and
- iii. general layout, arrangement of land uses, built form and design principles The reserved matters submission shall be made in accordance with the agreed Design Briefs.

Reason: To ensure that high standards of urban design and that the development is comprehensively planned and that there is appropriate integration between the different parts of the development and the land surrounding the site achieved.

14. Each application for Reserved Matters incorporating residential units shall be accompanied by a schedule of residential accommodation proposed within that phase(s) together with an updated schedule of residential units to be delivered by further phase(s) of development.

Reason: To ensure that the dwellings numbers are appropriately distributed

between the various phase of the development and that the total number of dwellings does not exceed 1600 units.

15. Applications for the approval of reserved matters submitted pursuant to condition 1 above shall be in accordance with the Statement of Design Principles as approved. In addition to the Design and Access Statement previously referred to, the Statement of Design Principles and the reserved matters submitted for approval shall also accord with the principles set out in the following submitted documents: Flood Risk Assessment; Energy Statement, Sustainability Statement. A statement shall be submitted with each reserved matters application(s) which demonstrates that the application proposals comply with the Design and Access Statement and with the Statement of Design Principles, or (where relevant) explaining why they do not. The reserved matters application(s) shall also be accompanied by a detailed design statement explaining the architectural and landscaping design rationale for the relevant phase or part thereof. The development shall be carried out in accordance with all matters approved pursuant to this condition.  
Reason: To ensure that high standards of urban design and that the development comprehensively planned and that there is appropriate integration between the different parts of the development and the land surrounding the site achieved.
16. As a part of the reserved matters planning submission detailed plans showing the number, size, location, design and materials of secure and weather protected cycle parking facilities to serve that part of the development shall be submitted to and approved in writing by the Local Planning Authority. (The cycle parking provision shall accord with the Parking Standards Design and Good Practice adopted 2009 (or superseding guidance) and in the case of residential development may include provision within associated garages where appropriate). The cycle parking facilities as approved shall be installed on site prior to the occupation of the building(s) they serve and shall thereafter be retained for their intended purpose.  
Reason: To ensure the satisfactory provision of cycle parking facilities and to limit the reliance on the private car.
17. All applications for residential development (including those within the Neighbourhood Centre) shall be accompanied by a 'Scheme for Noise Insulation' which shall accord with the Noise Impact Assessment accompanying the outline application. All residential units shall be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below, save in the case of the properties that address the Primary Street and where it is demonstrated to the satisfaction of the Local Planning Authority that it is not practical for these properties to achieve the criterion set out in 4<sup>th</sup> bullet point below; in such circumstances an Alternative Noise Scheme shall be submitted to the Local Planning Authority which shall

include a statement of the measures taken to minimise the adverse effects from external noise.

#### World Health Authority Community Noise Guideline Values

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm<sub>ax</sub>)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm<sub>ax</sub>).

There shall be no residential development undertaken on any phase or part thereof until a Scheme for Noise Insulation or an Alternative Noise Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The agreed measures shall be incorporated in the manner detailed prior to the occupation of the residential units to which the mitigation is specified and such measures shall thereafter be permanently retained in the approved form.

Reason: To ensure that the residential properties are designed to minimise the potential adverse effects from external noise and that the adopted design solutions accord with the design principles established by the Design and Access Statement the Statement of Design Principles referred to in condition 12 and 1 of this permission.

18. No part of the development shall take place until details of the existing and proposed levels of that part of the development, the levels of the surrounding area and adjoining buildings (where applicable) and the finished floor level of the building(s) hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point and shall be submitted concurrently with the reserved matters application(s). The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties, having regard to amenity, landscape, biodiversity, access, highway and drainage requirements.

19. Prior to the commencement of residential development in any Phase (as defined by the Strategic Phasing Strategy) or part thereof, full details of the proposed refuse and recycling storage facilities to be provided to serve that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a method statement indicating how the communal facilities (if provided) will be managed and serviced. The approved facilities in conjunction with the approved method statement shall be implemented prior to the occupation of each building they are intended to serve and the approved facilities shall be retained thereafter.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection and that they will be maintained to a satisfactory condition in order to avoid any potential adverse impact on the

quality of the surrounding environment and to avoid bin blight.

20. No commencement of construction of a building shall start on the non-residential development until details of the facilities to be provided for the storage of refuse at the premise(s) in question together with details of their management have been submitted to and approved in writing by the Local Planning Authority. The facilities, which shall include the provision of wheeled refuse bins, shall be provided in accordance with the approved details prior to the occupation of the building(s) that they are intended to serve and thereafter permanently retained.  
Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection and that they will be maintained to a satisfactory condition in order to avoid any potential adverse impact on the quality of the surrounding environment.
21. No commencement of construction of a building shall start on the non-residential development until details for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of the development and shall thereafter be retained unless otherwise subsequently agreed, in writing, by the Local Planning Authority.  
Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment
22. Prior to the commencement of development, evidence that the development is registered with either an accreditation body under the Code for Sustainable Homes or to the relevant superseding nationally required standards shall have been submitted to and agreed, in writing, by the Local Planning Authority.  
Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.
23. Within 3 months of the first occupation of any dwelling within a phase or part thereof hereby approved, a post-construction confirmation certificate issued by an accredited body confirming that the dwellings have either achieved a Code for Sustainable Homes rating of Code Level 3 or have been approved to the nationally required standard shall be submitted and agreed, in writing, by the Local Planning Authority.  
Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.
24. No works shall start on the non-residential development until evidence that the development is registered with a BREEAM certification body (or the relevant superseding body) and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Very Good.  
Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

25. **The development hereby permitted shall be undertaken in accordance with the Stage 2 Archaeological Evaluation prepared by CAT (ref Report 786) dated August – September 2014** ~~No works shall take place on any phase or part thereof that is not covered by the archaeological evaluation submitted as a part of the outline planning application until a supplementary archaeological evaluation of that area has been carried out by a suitably qualified competent person in accordance with a specification previously submitted to and approved in writing by the Local Planning Authority. Such~~ **The** evaluation shall be to be undertaken prior to any operations which may disturb or alter the level or composition of the land from its state at the date of this permission. For the purposes of this condition, the specification shall include proposals for a programme of further archaeological excavation and recording if archaeological remains are identified.  
Reason: The investigation is required to ensure that any archaeological remains on the site are recorded and preserved where possible.
26. **The development shall be undertaken in accordance with drawing No. 4212-726 Rev C Alternative Boxted Road Junction.** ~~Notwithstanding the details submitted, no works shall commence on site until an alternative design for the junction off Boxted Road (located north of the former Severalls Hospital site access and which co-ordinates with emerging proposals at Severalls Hospital) has been submitted to and approved in writing by the Local Planning Authority. Land parcels R1, R2 and R3 (as defined by the Development Framework Plan) shall not be occupied until the new junction off Boxted Road has been constructed in accordance with the agreed details.~~  
Reason: To secure a more appropriate design of junction In the interest of highway safety and the efficient operation of the highway network
27. ~~Prior to the commencement of development of land parcels~~ **the occupation of R5 and R6 (as defined by the Development Framework Plan) a scheme showing details of a priority junction from the A134 Nayland Road shall be submitted to and approved in writing by the Local Planning Authority. The priority junction shall include but not be** **shall be built with** ~~limited to a minimum 70 x 2.4 x 70 metre visibility splay and shall be~~ maintained clear to the ground at all times. ~~Land parcels R5 and R6 shall not be occupied until a priority junction from the A134 Nayland Road has been constructed in accordance with approved drawing.~~  
Reason: In the interest of highway safety and the efficient operation of the highway network.
28. **No works shall start on residential parcels R18 or R19 (as defined by the Development Framework Plan) until the works to prohibit motorised traffic from the application site using Braiswick Lane as shown on drawing numbers 15342/PS2-100A, 15342/PS2-102A, 15342/PS2-103A, 15342/PS2-LPA and MMA13642/001R1 have been implemented. A scheme for the long term management and maintenance for these works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works. The works shall be**

**implemented in accordance with the approved details (whilst maintaining existing access rights along Braiswick Lane) and the works shall be maintained in perpetuity in accordance with the approved details.**

~~R25 (as defined by the Development Framework Plan) of the development hereby permitted, until a scheme to prohibit motorised traffic from the application site using Braiswick Lane (whilst maintaining existing access rights along Braiswick Lane) together with details for the long term management and maintenance of the proposed scheme shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to occupation of any dwelling on parcels R18 to R25 and shall be maintained in perpetuity thereafter in accordance with the approved details.~~

**Reason: In the interest of highway safety and the efficient operation of the highway network.**

29. No works shall take place on any phase (as defined by the Strategic Phasing Strategy) of the development hereby permitted until details of the design, layout, levels, gradient, materials and method of construction of the proposed road(s) and highway for that phase of development have been submitted to and approved in writing by the Local Planning Authority. This information shall include details of all traffic calming necessary to ensure that the primary street, the highway link between the A134 Nayland Road Diversion and Boxted Road and the residential parcels (R1 to R25) adhere to vehicle speeds of 20mph or less. No dwelling or building within any phase of development shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details to base course level. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling(s). All roads and footways providing access to non-residential development shall be completed in accordance with the approved details before the first occupation of that development.

Reason: To ensure that all proposed roads and highway are satisfactory in terms of highway capacity, safety, design, quality of materials and finished work.

30. Notwithstanding the details accompanying the application, the design and layout of the Primary Street, the diverted A134 and the new link road between Nayland Road and Boxted Road shall be amended as necessary to accommodate an avenue of trees. The additional details shall either be submitted as a single submission or concurrently with the reserved matters for each Phase that includes these roads / streets or parts thereof. The development shall be implemented in accordance with agreed details prior to their adoption.

Reason: In the interest of visual amenity, to enhance the biodiversity and to ensure that the development integrates satisfactorily within its surrounding context.

31. **Condition deleted: the works have been built under application 121272**  
~~No works shall commence on land parcels R5 and R6 (as defined by the Development Framework Plan) of the development hereby permitted until details of the new access arrangements to existing properties on Nayland Road have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details and brought into operation concurrently with the opening of the A134 Nayland Road Diversion to general public use.~~  
~~Reason: To ensure that the existing properties in Nayland Road have appropriate vehicular access arrangements following the diversion of the A134 Nayland Road and the implementation of this development.~~
32. **Condition deleted: the works have been built under application 121272**  
~~No works shall commence on land parcels R7 and R8 (as defined by the Development Framework Plan) of the development hereby permitted until details of the new access arrangements to Fords Lane and Howards Croft have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details prior to the closure of the existing Fords Lane junction onto Nayland Road.~~  
~~Reason: To ensure that the existing properties in Fords Lane and Howards Croft have appropriate vehicular access arrangements following the closure of existing Fords Lane junction onto Nayland Road and the implementation of this development.~~
33. No commencement of any phase or part thereof of the development shall take place until details of the layout, construction specification and materials of the following for that phase or part thereof have been submitted to and approved in writing by the Local Planning Authority:
- a. footpath, cycleways or shared surfaces with each phase
  - b. footpaths and cycleways connections to adjacent phases of the development hereby permitted;
  - c. footpaths and cycleways connections from any phase of the development hereby permitted to existing and/or proposed Public Rights of Way, Bergholt Road, Mile End Road, Nayland Road, Boxted Road and Boxted Road Link; and
  - d. any improvements required to existing Public Rights of Way and;
  - e. any new Public Rights of Way required either within or adjacent to the application site.
- No occupation of any phase of the development or part thereof shall take place until the agreed details have been implemented and made available to the general public unless the Local Planning Authority first gives written approval to any variation.
- Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking
34. No phase of the development hereby permitted or part thereof shall commence until the following details for that phase or part thereof have been submitted

for that to and approved in writing by the Local Planning Authority:

- a. details of the bus service or services intended to serve that part of the development;
- b. the locations and specification of bus stops (the maximum distance between bus stops shall be 400m);
- c. any required new off site and/or improved existing off site bus stops; and d. any required on site bus turn round and/or layover facilities (temporary and/or permanent).

No occupation of that phase of the development shall take place until the agreed details have been provided.

Reason: To protect highway efficiency of movement and safety.

35. No equipment, machinery or materials shall be brought onto the site for the purposes of any phase of the development hereby permitted or part thereof until a detailed Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837 have been submitted to and approved in writing by the Local Planning Authority. No equipment, machinery or materials shall be brought onto any phase of the development for the purposes of the development until fencing for the protection of retained trees, hedges and/or shrubs has been erected in accordance with the approved details, and the fencing shall be retained in place until all equipment, machinery and surplus materials have been removed from a phase of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the local planning authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

36. No works including the routing of services shall take place under the crown spreads of existing trees or the root protection area as defined by BS5837 (which ever is greater), or within 2 metre of any retained hedgerow unless a detailed Construction Specification / Method Statement for their protection, has been submitted to and approved in writing by the Local Planning Authority. The installation of any underground service shall not take place other than in complete accordance with the approved Construction Specification/ Method Statement.

Reason: To ensure that no underground utility services have an adverse impact on the health of trees and mature hedgerows that are an intrinsic part of the landscape character and are identified as being retained within the development site.

37. No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

38. No works permitted by reserved matters application(s) shall commence until

full details of both hard and soft landscape proposals for that phase or part thereof have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate, proposed finished levels or contours, means of enclosure, pedestrian and cycle access and circulation areas, hard surfacing materials, water features, minor artifacts and structures (e.g. furniture, play equipment, dog litter bins, litter bins, boardwalks, signs, street lighting, external services, etc), and proposed functional services above and below the ground. Soft landscape details shall include planting plans, construction specifications (including cultivation and other operations associated with plants and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable and monitoring programmes. The landscaping scheme shall be carried out in accordance with the agreed details, the implementation timetable and monitoring programmes.

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.

39. Prior to the commencement of any development permitted under reserved matters application(s), a Landscape Management Plan for that phase or part thereof 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 complied with 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.

40. Within each Phase (as defined by the Strategic Phasing Strategy) of the development hereby permitted, at least 10% of the land shall be laid out for use as local open space in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. No works shall start on any phase of the development or part thereof until such a scheme (which shall include a timetable for delivery of open space) has been submitted to the Local Planning Authority.

Reason: In order to ensure that the development provides an adequate provision of open amenity space within the residential land parcels that is usable for public enjoyment after the development is completed.

41. **The development hereby permitted shall be implemented in accordance with the Ecological Design Scheme Supplementary Ecological Information Rev A received on 5 March 2015.** ~~Prior to the commencement of development, a specification for supplementary ecological surveys (including birds, bats, newts and reptiles) on the development site to be carried out by a suitably qualified independent ecologist shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include the methodology and timetable for the checking surveys~~

~~and submission of a report detailing the results of the surveys. The report shall also identify any mitigation measures required as a result of the surveys for any construction works or clearance of vegetation. The specification and mitigation measures shall be implemented as approved.~~

~~Before development commences an Ecological Design Scheme (EDS) shall be submitted to and approved in writing by the Local Planning Authority for the ecological mitigation, compensation and enhancement measures proposed within the development site incorporating the principles set out in the Environmental Impact Assessment. The scheme, as approved, shall be implemented throughout the construction and operational phases of the development.~~

Prior to the commencement of the development **on the relevant phase** a post construction monitoring scheme for the monitoring of protected species on the development site for a minimum period of five years from commencement of the bringing into operation the development, including provision for annual reports of that monitoring, and details of any further works required to mitigate any undue adverse effects found shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved.

Reason: To ensure the protection of wildlife during the course of this development and to ensure that there is appropriate mitigation for any ecological interest on the site.

42. The submission of the reserved matters applications shall demonstrate that they have taken full account of the relevant requirements and measures specified within the EDS and will implement all measures in accordance with the EDS.

Reason: To ensure that there is appropriate mitigation for any ecological interest on the site.

43. The long-term management of the mitigation, compensation and enhancement areas identified on the site-wide plan in the EDS shall be set out within an Ecological Management Plan (EMP). The EMP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The EMP shall include details of the mechanisms by which the long term implementation of the EMP will be secured. The EMP shall be implemented as approved.

Reason: To ensure the long term management of the proposed mitigation works.

44. Prior to the commencement of any phase or part thereof a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that light spillage from that part of the development into the areas designed primarily as Green Infrastructure would not be detrimental to wildlife and in particular bats. Thereafter the lighting scheme shall be implemented and retained in accordance with the approved details.

Reason: To protect the habitat and areas of foraging for bats.

45. **The development shall be undertaken in full accordance with the**

**Colchester North Green Infrastructure Strategy prepared by LDA and dated October 2014.** ~~No phase of the development (as defined by the Strategic Phasing Strategy) shall commence until a Green Infrastructure Strategy (covering a period of 15 years or until completion of the development hereby permitted, whichever is the later) for that phase has been submitted to and approved in writing by the Local Planning Authority. The Green Infrastructure Strategy shall take into full account of the relevant requirements and measures specified within the EDS and shall set out how the development contributes to multi-functional Green Infrastructure (G1 to G25 and W1 and W2) with reference to (but not limited to) the following areas:-~~

- ~~• Phasing of Implementation of Green Infrastructure;-~~
- ~~• Linkages between different phases-~~
- ~~• Landscape character, setting and management;-~~
- ~~• Biodiversity and access to nature;-~~
- ~~• Water management;-~~
- ~~• Climate change adaptation;-~~
- ~~• Healthy, cohesive communities;-~~
- ~~• Green travel;-~~
- ~~• Green specifications;-~~
- ~~• Standards and facilities; and-~~
- ~~• Measures to ensure the Green Infrastructure towards the specific GI projects and objectives described in the Colchester GI Strategy, and the Haven Gateway GI strategy.~~

~~The development shall be carried in accordance with the approved Green Infrastructure Strategy.~~

Reason: To ensure that the development provides adequate Green Infrastructure across the site that delivers a range of multiple benefits for the local community and that help protect the environment.

46. Applications for the approval of each reserved matters submitted pursuant to conditions 1 and 2 shall be in accordance with the Green Infrastructure Strategy as approved. In addition reserve matters applications shall provide site specific details for each Green Infrastructure area (G1 to G25 and W1 and W2) as and when they come forward which shall include as a minimum:

- Details of ground modelling;
- Planting / sowing plans;
- Hard surface materials
- Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, etc)
- Proposals for restoration
- Schedules of plants, noting species noting planting sizes and proposed numbers/densities where appropriate;
- Written specifications (including cultivation and other operations associated with plant and grass establishment;
- Implementation timetable and monitoring programmes for new species and/or habitat creation areas.
- Details of existing and proposed footpaths and cycleway, their surface

treatment proposed;

- Where appropriate details of children's play provision including play equipment and associated fencing/means; and
- Details of Sustainable Drainage (SUDs) measures, including water features.

The development shall be carried out in accordance the agreed details.

Reason: To ensure that the development provides adequate Green Infrastructure across the site that delivers a range of multiple benefits for the local community and that help protect the environment.

47. No works shall take place until a ~~detailed~~ surface water drainage strategy (the Drainage Strategy) for each phase (as defined by the Phasing Strategy) has been submitted to approved in writing by the Local Planning Authority. The Drainage Strategy shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The Drainage Strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 annual probability critical storm (including climate change allowances over the lifetime of the development) will not exceed the run-off from the undeveloped site following the corresponding rainfall event and that any surface water volumes exceeding these rates can be attenuated within control measures constructed within the site. **Following the approval of the Drainage Strategy, a detailed Surface Water Scheme for each phase, which shall accord with the details set out in the Drainage Strategy, shall be submitted to and approved in writing by the Local Planning Authority.** ~~The Drainage Strategy for each phase shall be constructed in accordance with the approved details before each phase is commenced.~~ The drainage scheme shall also include:

- Details of the location and sizing of the drainage systems to dispose of the surface water;
- Details of pollution prevention measures to be installed;
- The off-site discharge of surface water to existing watercourses, will be restricted to existing greenfield rates;
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change;
- Details of how surface water will be conveyed to the proposed system and calculations demonstrating that conveyance networks are appropriately sized;
- Details of how any system exceedance and flood flow routes will be managed within the site;
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

**The development shall be implemented in accordance with the Drainage Strategy / Surface Water Scheme prior to the occupation of the properties and** ~~The scheme shall be fully implemented and subsequently maintained,~~ in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, both on and off site.

48. No works shall start on any development granted reserved matters approval until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

49. No works shall start on any development granted reserved matters approval until an investigation and risk assessment for that Phase has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

50. No works shall start on any phase or part thereof of the development granted reserved matters approval until a detailed remediation scheme to bring that phase or part thereof to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

51. No works shall start on any phase or part thereof of the development granted reserved matters approval other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved, unless otherwise agreed, in writing, by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

52. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 49 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 50 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 51.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

53. Prior to the implementation of any phase or part thereof of the development permitted by this application or development granted approval under reserved matters application(s) pursuant to conditions 1 or 2, a Construction Management Plan for the relevant phase or part thereof of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with each approved Construction Management Plan(s). Each Construction Management Plan shall include the following matters:

- Site compound position, parking, site parking and turning for vehicles of site personnel, operatives and visitors;

- Loading and unloading of plant and materials
- Storage of plant and materials;
- A Construction Traffic Management Plan (to include routing of heavy construction vehicles to and from the site, details of the construction access arrangements, details of signage to be provided at the site entrance and at locations along specified routes and measures for traffic management).
- Details of any temporary hardstanding
- Piling techniques and hours and duration of any piling operations;
- Provision of boundary hoarding and lighting;
- Method for the control of noise with reference to BS5228 together with a monitoring regime details of proposed means of dust suppression and noise mitigation;
- Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- Details of measures to prevent mud from vehicles leaving the site during construction.
- Dust and air quality mitigation and monitoring (to have regard to the measures outlined in the Environmental Statement)
- Water management including waste water and surface water discharge
- Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
- A Site Waste Management Plan.
- Community liaison including a method for handling and monitoring complaints, contact details for site managers, arrangements for the display of site contact details and the nature of the proposed development in each area.

Reason: To minimise the environmental impacts of the construction process for local residents and users of the adjacent highway network and to prevent the risk of pollution (noise, air and dust and of the water environment).

54. No phase of development or part thereof shall be occupied until a scheme for the provision of fire hydrants (or any other suitable alternative water supply), together with details of their location, specification and a programme for their provision has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of fire safety.

55. Prior to the commencement of development on the Neighbourhood Centre (as defined by the Development Framework Plan) details of fast electric charging points (including numbers and location) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of this part of the development.

Reason: in order to promote more sustainable modes of transport.

56. No development shall be occupied/brought into use until the final report of the results of the archaeological evaluation for that part of the site has been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that there is an appropriate record of any archaeological remains on the site.
57. No part of the development hereby permitted shall be occupied until the Northern Approaches Road between Mill Road and Axial Way is open for use by general traffic.  
Reason: In the interest of highway safety and the efficient operation of the highway network and to accord with the terms of the Environmental Statement.
58. No more than 250 dwellings in total shall be occupied until the works at Junction 28 on the A12 have been completed as shown on drawing number VN20059-555-C and made available for general public use.  
Reason: In the interest of highway safety and the efficient operation of the highway network.
59. No more than 460 dwellings in total shall be occupied until the works shown drawing number VN20059-702-B have been completed in accordance with detailed designs that shall have previously been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt works these works shall include creation of the A134 Nayland Road Diversion, the Primary Street junction with the A134 Nayland Road Diversion and a new access to Fords Lane, Howards Croft and the former A134 Nayland Road. The development shall be implemented in accordance with the agreed drawings.  
Reason: In the interest of highway safety and the efficient operation of the highway network.
60. No more than 460 dwellings in total shall be occupied until the works shown on drawing number VN20059-704-C and VN20059-705-C have been completed and made available for general public use. For the avoidance of doubt these works shall include the widening of the Northern Approaches Road southbound approach to its junction with Mill Road and a dedicated left-turn lane between the Northern Approaches Road northbound carriageway and the Boxted Road Link.  
Reason: In the interest of highway safety and the efficient operation of the highway network and in order that the development promotes public transport, walking and cycling and limits the reliance on the private car.
61. No more than 920 dwellings in total shall be occupied until the works shown drawing number VN20059-712-C (with the exception of the junction off Boxted Road located north of the former Severalls Hospital site access which is subject to condition 26) have been completed and brought into general use. For the avoidance of doubt works these works shall include the creation of a highway link between the A134 Nayland Road Diversion and the agreed junction off Boxted Road located north of the former Severalls Hospital site access and a toucan crossing on the Boxted Road Link, east of the Fords Lane

Roundabout.

Reason: In the interest of highway safety and the efficient operation of the highway network.

62. **Residential Parcels R17 to R19 and 68 dwellings on parcel R16 (as defined by the Development Framework Plan) of the development hereby permitted shall not be occupied until the Primary Street between Parcel R16 and Mile End Road, via Bartholomew Court has been completed in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.**

**Reason: In the interest of highway safety and the efficient operation of the highway network and in order that the development promotes public transport, walking and cycling and limits the reliance on the private car.**  
~~Residential Parcels R18 to R25 (as defined by the Development Framework Plan) of the development hereby permitted shall not be occupied until the Primary Street between Parcel R16 and Mile End Road, via Bartholomew Court as shown on drawing number VN20059-706-B has been completed in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.~~

~~Reason: In the interest of highway safety and the efficient operation of the highway network and in order that the development promotes public transport, walking and cycling and limits the reliance on the private car.~~

63. Residential parcels R18 to R25 (as defined by the Development Framework Plan) of the development hereby permitted shall not be occupied until the layout of Bartholomew Court has been amended in accordance with additional drawings that shall have previously been submitted to and approved in writing by the Local Planning Authority. The additional drawings shall accord with the principles shown on drawing number VN20059-526-A and shall provide a minimum 6.75 metre wide carriageway, 2no. 2 metre (minimum) wide footways and details of the bus gate (including its location, design, construction, operation method, management; and emergency vehicle protocol). The development shall be implemented in accordance with the agreed details and thereafter retained as such.

Reason: In the interest of highway safety and the efficient operation of the highway network and in order that the development promotes public transport, walking and cycling and limits the reliance on the private car.

64. Residential parcel R18 to R25 (as defined by the Development Framework Plan) of the development hereby permitted shall not be occupied until a shared footpath/cyclepath has been completed between Parcel R16 and the existing Tufnell Way to Colchester Railway Station footpath/cyclepath and brought into general public use. The route of footpath/cyclepath shall utilise the land coloured yellow on drawing number VN20059-707-B and include removal of the existing zebra crossing and provision of a toucan crossing in Bergholt Road as shown on drawing number VN20059-708-B.

Reason: In the interest of highway safety and the efficient operation of the

highway network and in order that the development promotes public transport, walking and cycling and limits the reliance on the private car.

65. **The development shall be implemented in accordance Framework Travel Plan dated September 2015 ref VN50453 and Residential Travel Plan dated September 2015 VN50453. The approved travel plans shall be implemented upon first occupation of each part of the development.**

~~No part of the development shall be brought into beneficial use until a Framework Travel Plan (FTP) for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency and the local highway authority. No individual building or phase of development hereby approved shall be brought into beneficial use until a Tenant Travel Plan (TTP) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency. The approved Travel Plans shall be implemented upon first occupation of each part of the development and shall provide for / include the following:—~~

- ~~• the appointment of a Travel Plan Co-ordinator • the collection and recording of baseline data on travel plan patterns~~
- ~~• agreed targets to be achieved for modal share~~
- ~~• details of the specific measures to be implemented to promote the use of suitable modes of transport and details of the ways in which these will be implemented in order to meet the identified targets;~~
- ~~• details of the means by which the Travel Plan will be reviewed and the corrective measures to be employed in the event that the identified targets are not met.—~~

Monitoring shall be carried out in accordance with **the Framework Travel Plan and Residential Travel Plan** ~~the approved details~~ and the results of the monitoring shall be submitted to the Local Planning Authority within one month of the end of each monitoring period. Where the targets are not achieved, the Travel Plan co-ordinator will be notified in writing by the Local Planning Authority and the Travel Plan shall then be reviewed and updated and submitted to the Local Planning Authority for approval within three months of receipt of the Local Planning Authority notification. The updated Travel Plan shall be implemented within three months of the date of the Local Planning Authority's approval.

Reason: In the interest of highway safety and the efficient operation of the highway network and in order the development promotes public transport, walking and cycling and limits the reliance on the private car.

66. The buildings on the land to which the reserved matters application(s) relate for the development hereby permitted shall not be occupied until the associated parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not thereafter be used for any purpose other than the parking and manoeuvring of vehicles, unless

otherwise agreed in writing by the local planning authority.

Reason: To ensure the satisfactory provision of parking facilities in the interest of highway safety and the amenity of the area, and to maximise the efficient use of land.

67. a) No development shall be occupied within the relevant phase, as approved under Condition 11, that includes the provision of playing fields until the following documents have been submitted to and approved in writing by the Local Planning Authority:
- i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
  - ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme for the laying out and construction of the football pitches and cricket squares. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation as well as details for the provision of car parking and changing facilities.
- b) The approved scheme shall be carried out in accordance with the timeframe approved under Condition 11 of this permission or prior to the opening of the community centre whichever is earlier unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

68. No development shall be occupied within the relevant phase as approved under Condition 11 until a schedule of playing field maintenance (including a programme for implementation for a minimum period of 3 years) has been submitted to and approved in writing by the Local Planning Authority. The sport pitches shall be maintained in accordance with the agreed playfield field maintenance scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose.

69. The playing fields and pitches shall be constructed and laid out in accordance with approved details and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011).

Reason: To ensure the quality of pitches is satisfactory for their intended purpose.

70. No development within the Neighbourhood Centre (as defined by the Development Framework Plan) shall be occupied or brought into use until a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the

current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

71. All lighting installed within the development hereby permitted (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 rural, small village or dark urban areas, and shall thereafter be retained and maintained in accordance with these guidelines.  
Reason: to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.
72. All residential properties located more than 400m from a bus stop (as agreed under condition 34 and measured along the most direct footpath link) shall be provided with charging points for electric / battery operated cars. The details and locations of the charging points shall be agreed in writing by the Local Planning Authority prior to the commencement of construction of the relevant properties and shall be installed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that all parts of the proposal site is accessible by more sustainable modes of transport.
73. The public realm serving the secondary school and the Neighbourhood Centre (as shown on the Movement Network Plan) shall be used for pedestrian and cyclist only (except in a case of an emergency). Vehicular access to the secondary school site shall be via residential land parcel R4 and R9 (as defined on the Development Framework Plan) unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interest of highway safety and to ensure that it part of the site is fully accessible by cycling and walking.
74. The car parking arrangements for the residential and non-residential development shall accord with the Council's adopted guidance on parking standards (Parking Standards Design and Good Practice 2009 or relevant succeeding guidance). The car parking arrangements agreed as a part of reserved matters applications shall be permanently kept available for their intended purpose.  
Reason: To ensure the satisfactory provision of car parking facilities in the interest of highway safety and the amenity of the area, and to maximise the efficient use of land.
75. Until the landscape scheme for each Phase (as defined by the Strategic Phasing Strategy) of the development hereby permitted or parts

thereof has been submitted to, and approved in writing by, the Local Planning Authority, all existing trees, shrubs and hedgerows on the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the Local Planning Authority. If any existing trees, shrubs or hedgerows are removed without such consent or if any become dead or dying or seriously diseased or are severely damaged, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the Local Planning Authority, such replacement to take place within the first planting season after the Local Planning Authority's written agreement. Any works to existing trees, shrubs and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of those works.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

76. No construction works on any part of the development hereby granted shall take place before 07:30 hours or after 18:00 hours on any weekday, nor before 8:00 hours or after 13:00 hours on any Saturday nor at all on any Sunday or Bank or Public Holiday.

Reason: To protect the amenity of local residents.

77. The uses hereby permitted within the Neighbourhood Centre as shown on parcel NC1 and NC2 of the Development Framework Plan shall not exceed the following for those specific uses below:

- The total gross internal area (GIA) of the food store shall not exceed 2,500 square metres (sqm);
- Other than the food store, the combined GIA of Class A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), and A5 (hot food takeaways), and B1 (office) shall not exceed 1,000sqm GIA in total and no single unit shall exceed 300sqm GIA.

The development shall be implemented in accordance with above floor size unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the terms of the permission and to ensure that the development has an appropriate mix of retail uses at the right scale to comply with the town's retail hierarchy and future employment provision.

78. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no mezzanine floors shall be inserted into the food store.

Reason: In order not to prejudice the primary shopping role of the town centre and the shopping hierarchy of Colchester.

79. The Neighbourhood Centre shall contain no more than two A5 (hot food takeaways) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has the right mix of uses and is not dominated by fast food takeaways.

80. All doors allowing access and egress to the non-residential buildings shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times.  
Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site.
81. All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease or smoke to local residents. Details of the nature and location of such filtration equipment, which will be required for any units, shall be submitted to and approved in writing by the Local Planning Authority. This equipment shall thereafter be installed in accordance with the approved details before the first occupation of the building/unit to which it relates.  
Reason: To avoid undue loss of amenity from smells, fumes or noise.
82. No plant or machinery including condensers, compressors, ducting or other equipment shall be installed unless the details of such equipment have been agreed in writing by the Local Planning Authority. The plant and machinery shall thereafter be retained in accordance with the agreed details.  
Reason: To avoid undue loss of amenity from smells, fumes or noise.
83. The Community Building hereby permitted shall be used as a Community Centre (i.e. where members of a community gather for group activities, social support, public information and other purposes) and for no other purpose (including any other purpose in Class D2 'Assembly and Leisure' of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.  
Reason: For the avoidance of doubt as to the scope of this consent.
84. The Neighbourhood Centre uses shall not be open outside the following hours 07.00 hours to 23.00 hours, Mondays to Saturday and 08.00 hours to 22.00 hours on Sundays and bank holidays unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise and vibration.
85. The Community Building shall not be open outside the following hours 08.00 hours to 23.00 hours, Mondays to Saturday and 08:00 hours to 22.00 hours on Sundays unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise.
86. No deliveries shall be taken at or despatched from the neighbourhood centre

or activities within service yards shall take place outside of the hours of 7.00 to 22.00 Mondays to Saturday and 8:00 to 18:00 on Sundays and Bank Holidays.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise and vibration.

- 87 **No works permitted by reserved matters application(s) for residential development shall commence until full details of a scheme to mitigate the likely effects to nearby European sites in terms of increased recreational disturbance has been submitted to and approved in writing by the Local Planning Authority. These details shall be substantially in accordance with the Chesterwell, Colchester, Information Towards a Habitats Regulations Assessment dated 03 June 2019. The scheme of mitigation shall be carried out in accordance with the agreed details and implemented prior to the occupation of the units that it is intended to serve / mitigate the impact of.**

**Reason: To ensure that there is a suitable scheme to to mitigate the likely off-site effects to European sites in terms of increased recreational disturbance.**

- 88 **This permission shall not be exercised in addition to the extant outline planning permission (ref 121272) in respect of land parcels R1, R2, R3, R11 to R25, OSF1, OSF2, G1, G2, G3, G4, G12, to G25, W2 (as defined by the Development Framework Plan) but shall be an alternative to that permission in respect of these land parcels. Should one of the permissions be implemented in respect of the aforementioned land parcels (with the exception on the primary road proposed under application 191358), the other permission shall not be implemented in respect of those particular parcels.**

**Reason: In order to ensure that planning permissions 121272 and the development permitted by this permission are not jointly implemented.**

- 89 **No more than 160 dwellings shall be occupied on Residential Parcels R20 to R25 (as defined by the Development Framework Plan) until the Primary Street between parcel R16 and Mile End Road via Bartholomew Court as shown on drawing no VN20059-706-B and VN20059-526-A - Bartholomew Court Bus Gate has been constructed and made available to bus use.**

**Reason: In the the interest of promoting sustainable modes of transpor, the efficient operation of the highway network and proper planning.**

## **Informatives**

(1) Informative on Noise and Sound Insulation Competent Persons  
PLEASE NOTE that, with regard to and noise measurement and sound insulation, a competent person is defined as 'someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience'.

(2) 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.

(3) 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.

(4) Non Standard Informative

Written approval is required for the variation of the approved plans and/or drawings. Approval for amendment may not be given if, in the opinion of the Local Planning Authority, the proposed variation creates new environmental impacts which exceed the range or scale of those assessed and measured in the Environmental Statement and which the Local Planning Authority considers may require further or additional mitigation measures.

(5) Non Standard Informative

The development of the land parcel NC1 (as shown by the Development Framework Plan) shall include a pedestrian / cycleway of a minimum 3m width along the west edge of the land connecting land parcel R9 and/or R10 to the public realm serving the secondary school and neighbourhood centre (as defined by the Movement Network Plan).

(6) Informative on Tree Planting within the Highway

PLEASE NOTE that the applicant is advised by Essex County Council Highway Authority that all proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance of that tree by them. The Local Planning Authority is unlikely to agree to any planting within the highway until they receive confirmation that this sum has been agreed and secured by the Highway Authority

(7) Informative on Public Rights of Way

PLEASE NOTE: The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:

- (i) it is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with the Public Rights of Way Office, Highways and Transportation Services, Essex County Council, County Hall, Chelmsford, Essex CM1 1QH. The telephone number is 01245 437563.
- (ii) The granting of planning permission does not authorise the undertaking of

any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network.

- (iii) Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Essex County Council).

#### (8) Informative on Tree Preservation Orders

PLEASE NOTE: This site is the subject of a Tree Preservation Order.

#### (9) Non Standard Informative Highways

The Primary Street and highway link between the A134 Nayland Road Diversion and Boxted Road shall, with the exception of any traffic calming/management features, have a minimum carriageway width of 6.75 metres. The whole of the proposal site, including the Primary Street and highway link between the A134 Nayland Road Diversion and Boxted Road shall be subject to a 20 mph speed limit and laid out and constructed to ensure all vehicles adhere to the 20 mph speed limit.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. Access to existing properties should be retained at all times during construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

All highway related details should be agreed with the Highway Authority. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If the applicant believes they need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively they can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk). Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

#### (10) Non Standard Informative

Environment Agency: Any culverting or works affecting the flow of a watercourse requires the prior written Consent of Essex County Council under

the terms of the Land Drainage Act 1991 & the Flood & Water Management Act 2010. The applicant is advised to consult with Essex County Council prior to developing detailed proposals for the modification of any watercourse on this site. Any culverting or works affecting the flow of a watercourse requires the prior written Consent of Essex County Council under the terms of the Land Drainage Act 1991 & the Flood & Water Management Act 2010. The applicant is advised to consult with Essex County Council prior to developing detailed proposals for the modification of any watercourse on this site.

(11) Non Standard Informative

**Anglian Water: Assets Affected** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

**Trade Effluent**

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

(12) Non Standard Informative

**Ecology**

Where any species listed under Schedule 2 or 4 of the Conservation of Habitats and Species Regulations 2010 is present on the site (or part thereof) in respect of which this permission is hereby granted, no works of site clearance or construction shall take place in pursuance of this permission unless a licence to affect any such species has been granted in accordance with the aforementioned Regulations. A copy of the licence should be sent to the local planning authority.

(13) Non Standard Informative

The development permitted may be carried out in a phased manner such that there may be submission and approval of reserved matters for each phase of development or part thereof shown on the Strategic Phasing Strategy and such reserved matters submissions and approvals may be obtained in a staggered timeframe for each phase or part thereof. Other details, schemes and management plans referred to in the planning conditions may as a

consequence also be obtained on a phased basis.

(14) Non Standard Informative

Prior to the confirmation that educational facilities will be constructed on site, the developer shall make no reference to any on site education facilities within their marketing materials.

(15) Non Standard Informative

Three conditions have been removed since the committee resolution to ensure conformity with the Section 106 Agreement and due to a duplication; and have been re-ordered and re-numbered accordingly, in line with NPPG good practice guidance.

(16) Non Standard Informative

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

(17) Non Standard Informative

Colchester Borough Council is seeking to work with developers on all major development projects to deliver a living memorial to commemorate the centenary of the Great War. As part of the landscaping proposals associated with this development, the Council wishes to see a specimen tree or trees planted together with a commemorative plaque in dedication to all those lost in the Great War. Please contact the Council's landscape Planning Officer in Planning Projects on 01206 282472 to discuss how we can work together to deliver this appropriate and worthy project. We look forward to hearing from you.

**(18) 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.**

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

**PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.**