

Planning Committee

Moot Hall, Town Hall
26 September 2013 at 6.00pm

This Committee deals with

planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

Audio Recording, Mobile phones and other devices

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Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

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Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates *The Planning and Compulsory Purchase Act 2004*, which requires (in law) that planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.

The following approach should be taken:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan 1989*) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and Colchester’s own Local Plan documents
- Government guidance, case law, appeal decisions, planning history, “fallback” positions
- Design, scale, bulk, mass, appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations such as archaeology, listed buildings or a conservation areas
- Environmental issues such as impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism
- Social issues such as affordable housing, accessibility, inclusion, education, recreation
- The ability to use planning conditions or obligations to overcome concerns

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues including private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses
- matters specifically controlled through other legislation
- unless they are “exceptional”, personal circumstances, including hardship

Strong opposition to a particular proposal is a common feature of the planning process. However, in the absence of substantial evidence of harm or support from the Development Plan is unlikely to carry much weight. The same principles apply in reverse where there is strong support for a proposal that is contrary to the Development Plan and there is harm (or lack of substantially evidenced benefit).

Inspectors and Courts (see *North Wiltshire DC V SoS & Clover, 1992*) have established that precedent can be a legitimate consideration, but it is not enough to have a “general anxiety” and there has to be evidence of a real likelihood that similar applications (in all respects) will be submitted.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions and Considering Reasons for Refusing Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework reinforces this by stating that "*Planning should operate to encourage and not act as an impediment to sustainable growth*". Therefore, development should be considered with a positive approach. However, not all development is acceptable and almost every permission will require planning conditions in order to make them acceptable. Some will remain unacceptable and should therefore be refused. Circular 11/95 (The Use of Conditions in Planning Permissions) and Circular 03/2009 (Costs Awards In Appeals And Other Planning Proceedings) set out advice on the government's policy regarding the appropriate use of planning conditions and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to "unreasonable" behaviour. They derive from an interpretation of court judgments over the years and, although not planning law, are important material considerations. A decision to set them aside would therefore need to be well-reasoned and justified.

In terms of the Planning Committee, Circular 03/2009 makes it clear that "*Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority*".

The power to impose conditions is an important material consideration in any determination. Circular 03/2009 states that "*Whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed*". Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. *The Circular adds that "A planning authority refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead."* Advice on the need to consider whether conditions may make a proposal acceptable which would be otherwise unacceptable is also to be found in Circular 11/95.

Any planning condition imposed on a development must be necessary, relevant to planning, relevant to the development to be permitted, reasonable, precise and enforceable. Unless conditions fulfil these criteria, which are set out in Circular 11/95, they are challengeable at appeal as *ultra vires* (i.e. their imposition is beyond the powers of local authorities). If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted.

In considering the reasons for that refusal, Circular 03/2009 makes it clear that planning authorities must "*properly exercise their development control responsibilities, rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason*". In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that public authorities act fairly and reasonably in executing their decision making functions, and that it is evident to all that they so do.

COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
26 September 2013 at 6:00pm

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Peter Chillingworth, Stephen Ford, Sonia Lewis, Cyril Liddy, Jackie Maclean, Jon Manning, Philip Oxford and Laura Sykes.

Substitute Members

: All members of the Council who are not members of this Committee or the Local Plan Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Nick Barlow, Lyn Barton, Kevin Bentley, Mary Blandon, Mark Cable, Nigel Chapman, Barrie Cook, Nick Cope, Beverly Davies, John Elliott, Andrew Ellis, Annie Feltham, Bill Frame, Ray Gamble, Marcus Harrington, Dave Harris, Julia Havis, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Margaret Kimberley, Michael Lilley, Sue Lissimore, Colin Mudie, Nigel Offen, Gerard Oxford, Will Quince, Lesley Scott-Boutell, Peter Sheane, Paul Smith, Terry Sutton, Colin Sykes, Anne Turrell, Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the Council's website by 4.30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

- (a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

1

The Chairman has agreed to vary the arrangements for the public to Have Your Say! at this meeting in response to the amount of public interest that this application has generated. A detailed note of the arrangements is attached.

3. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6. Minutes

2 - 7

To confirm as a correct record the Minutes of the meeting held on 12 September 2013.

7. Planning Applications

In considering the planning applications listed below, the Committee may chose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

1. 121272 - North Colchester, Urban Extension, Mile End Road, Colchester (Mile End)

8 - 182

Mixed use development comprising residential dwellings, a neighbourhood centre including commercial, residential and community uses, education uses, strategic landscaping, green infrastructure and areas for outdoor sport facilities, access (in detail where specified) related infrastructure and other works and enabling works.

8. Amendment Sheet

183 - 186

Please see the attached Amendment Sheet.

9. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

NORTH AREA GROWTH URBAN EXTENSION HAVE YOUR SAY! ARRANGEMENTS

The Planning Committee meeting to discuss and determine the application for the North Growth Area Urban Extension will be held in the Moot Hall which is on the second floor of the Town Hall, High Street, Colchester. There is an accessible entrance at the rear of the Town Hall in St Runwald Street. Please use the intercom to speak to reception in order to gain entrance to the building.

Those wishing to attend the meeting are advised to allow good time for travel and, in order to allocate seating comfortably and to register names of speakers, attendees are advised to be at the Town Hall in good time and certainly no later than 5:30pm. The meeting itself will commence promptly at 6:00pm.

In view of the interest expressed in this item, the Chairman has agreed to vary the arrangements for the public to Have Your Say! Accordingly three speakers will be permitted to speak in opposition to the application and three speakers will be permitted to speak in support of the application. Each speaker may have up to 3 minutes each. Speakers will be timed and a bell will be rung when there is one minute remaining and again at the end of the 3 minutes.

If you wish to register to speak to the committee please tell a member of staff when you arrive at the meeting room in the Town Hall. Staff will be located at the entrance to the meeting room, and they will give you instructions on how to register to speak.

In respect of speakers who wish to address the committee in opposition to the application, if it is necessary to do so, priority will be given to organisations who represent a significant body of people, for example a community or parish council and organised groups and societies

For general advice on speaking at Planning Committee meetings, please read the guidance on the website [here](#)

Alternatively this can be found by navigating Home > Council and Democracy > Borough Councillors and Committees > Attending Meetings > Have Your Say on Planning Applications.

Please be aware that you will not be able to engage in a dialogue with the committee, but any questions you pose in your speech may be noted by the planning officer and it may be possible for answers to such questions to be included in the responses to speakers.

PLANNING COMMITTEE

12 September 2013

Present:- Councillor T. Higgins* (Chairman)

Councillors Chillingworth, Chuah*, Ford, Lewis*, Liddy*,
Maclean and L. Sykes

Substitute Members:- Councillor G. Oxford for Councillor P. Oxford

Councillor Smith for Councillor Manning

(*Committee members who attended the formal site visit.)

55. Minutes

The Minutes of the meeting held on 22 August 2013 were confirmed as a correct record.

56. 130472 – Town Hall, High Street, Colchester

The Committee considered an application for the listed building consent to install an internal partition to a corridor. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be endorsed and referred to the Secretary of State for his approval.

57. 131417 – 14 Eldred Avenue, Colchester

The Committee considered an application for single storey side and rear extensions. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

58. 131452 & 131453 – St John Ambulance Site, Chapel Road, Wivenhoe

Councillors Ford (in respect of his being Wivenhoe Quay Ward Councillor) and Lewis (in respect of her acquaintance with the Objector) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of the superstructure of the existing St John Ambulance building and for the erection of a two storey building of mixed C3 Residential and D1 Gallery / Studio use. Another application for conservation area consent for the demolition of the existing building was also considered. The Committee had before it a

report in which all the information was set out.

Mr James Ryan, Planning Officer, presented the report and assisted the Committee in its deliberations.

Mr Brian Sinclair addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was making representations on behalf of Wivenhoe Town Council, Wivenhoe Community Trust, Wivenhoe Society and Wivenhoe residents. He suggested that the application had previously been refused because of the recognised need for more community facilities in Wivenhoe. He stated that the site had been added to the Community Register. He suggested that many of the buildings included in the list of Wivenhoe community facilities were not usable. He also claimed that it had previously been agreed that if Ms Green could not attain planning permission, the site would be sold to the Town Council. He highlighted errors in the calculations on the survey conducted by the applicant and suggested that the Committee refuse, or at least defer the decision until an independent survey had been carried out.

Mr Robert Pomery, Agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He suggested that the Planning Inspector only raised one issue with the previously refused application and that was community provision. He suggested that, through a method agreed with the Council's Spatial Policy Team, a survey carried out by the applicant had highlighted an excess of provision in Wivenhoe. He also suggested that an independent survey would result in an even greater excess being found, as the applicant's survey had been narrower than the policy provided for. He stated that even if permission was not granted, the applicant would not be selling the property.

Councillor Julie Young attended the meeting and, with the consent of the Chairman, addressed the Committee. She stated that the Committee had a difficult decision ahead of it. She suggested that the decision hung on whether the Committee considered the survey to be a reasonable interpretation of community provision in the area. The statistics had been called into question. She asked the Committee to consider whether there was enough doubt to defer consideration for more accurate statistics.

It was explained by the Planning Officer that the difference in statistics between the applicant's data and the data provided by the Town Council was mainly due to the fact that the Town Council had excluded several sites. He stated that the Committee needed to consider what the Council's DP4 Policy included as a community facility, which was a very broad definition.

A Member of the Committee raised concern about the discrepancy in the figures used for the number of dwellings in Wivenhoe. He was also concerned that the applicant had not taken measurements from inside any of the buildings.

Other Members of the Committee suggested that even with the variation in figures the survey clearly showed that, within the Policy, Wivenhoe had sufficient community facilities.

It was explained that some of the data provided related to the number of residents, not the number of dwellings, which explained the discrepancy. It was clarified that the survey had included data from the Census in its calculations. It was also clarified that conditions had been set out to protect the nearby tree from construction works.

RESOLVED (EIGHT voted FOR, TWO ABSTAINED from voting) that the applications be approved, subject to the conditions set out in the reports.

59. 131231 – Trafalgar Farm, 183 London Road, Stanway

Councillor L. Sykes (in respect of her work on the Tollgate Vision) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the change of use of land from agricultural to car park (105 car parking spaces), the installation of 4 lighting columns and the erection of 1.8 metres of palisade fencing to the eastern boundary. The application was a resubmission of application 112355. The Committee had before it a report in which all the information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Mr Mark Russell, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Mr Robert Johnstone, Chairman of the Essex Local Access Forum, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He stated that the Essex Local Access Forum was a statutory body for guidance on access to the countryside and public rights of way. He suggested that there were footpaths in the area of the site that had not been included on the map nor had any mitigation measures been taken to ensure footpaths were not disrupted during construction. He asked for a deferral of consideration to take into account the area's footpaths.

The Committee appreciated the problems limited parking raised and were keen to see empty buildings put to use. It was requested that low emission lights be used in the car parking areas as well as having these lights on a timer. It was also requested that the entire car park's accessible parking percentage be recalculated to account for the new spaces.

Members of the Committee raised concern that there had not been any consultation with regard to local footpaths. It was explained that while Officers did not have any information relating to public rights of way, the application could be deferred and delegated if no issues were found or returned to Committee if required.

RESOLVED (UNANIMOUSLY) that the application be deferred in order to establish whether any public rights of way would be impacted by the application and:

- (i) If no public rights of way were affected, power to approve the application, subject to the conditions set out in the report and additional conditions to secure disabled parking and lighting (to be turned off outside office hours be delegated to the Head of Professional Services, with an advisory note of L.E.D. lighting.
- (ii) If a public right of way was affected, the application would be re-advertised and returned to the Committee for determination.

60. 130937 – Colchester Golf Club, 21 Braiswick, Colchester

The Committee considered an application for the creation of an irrigation reservoir at Colchester Golf Club. The Committee had before it a report in which all the information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality

and the suitability of the proposal for the site.

Ms Lucy Mondon, Planning Officer, presented the report and assisted the Committee in its deliberations.

Mr Philip Adcock, of 7 Braiswick, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He claimed that he was in support of the proposal in principle but only after he had received assurances that his property would not suffer from flooding, nor would the flooding of the footpath worsen as a result of the proposal. He stated that, while the applicants were not obligated to make the flooding situation better, they should certainly not make it worse.

Mr Brian Morgan, Agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He suggested that the Objectors resided a considerable distance away from the proposal site, so would not be affected. He also highlighted that the Environment Agency had not raised any objections to the proposal and that a french drain would be installed to improve the drainage of the adjacent footpath.

The Committee considered that the proposal made sense environmentally and suggested that as much as possible had been done to ensure no adverse effects on the surrounding area.

It was explained that the banks of the reservoir were raised to prevent overflow and that the level of the reservoir was lower than that of the Objector's property.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

61. Congruence, Consolidation and Confirmation Reports (CC&CR)

Councillor Smith (in respect of his acquaintance with the Objector) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report of the Head of Professional Services which set out proposed changes to the Colchester Borough Council Planning Procedures Code of Practice to formalise a process for considering the implications and risks of overturning a recommendation made to the Planning Committee by its Officers before that decision is formally voted upon, in order to strengthen the decision and agree formal wording. It is also suggested that the Code be updated to reflect the new Service names resulting from the UCC FSR. The Committee had before it a report in which all the information was set out, with the suggested Schedule, Flow Chart and updated Code of Practice attached as Appendices to the report.

Mr Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations.

Ms Paula Baker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the report. She suggested that the proposal would allow Officers to overturn decisions of the Committee without further public consultation. She claimed that making a decision to defer an application before voting on a motion was wrong. She cited Article 21 of the Universal Declaration of Human Rights, which declared that everyone had the right to take part in government. She went on to remind Councillors that they were acting on behalf of those who had elected them and that this proposal denied them a voice.

It was explained that the proposed protocol was widely adopted by many Councils nationwide. It was established that further public speaking was not advised as such situations would involve only one application, spread over two Committee meetings. No further discussion of the merits of the application would take place at the second Committee. It was also explained that the Committee would not vote on a motion to go against an Officer decision until the second meeting, so it would be possible for such a motion to be voted down and the original Officer recommendation to be upheld, at the second meeting.

A member of the Committee questioned the need for such a protocol based on recent success records and two Members raised concerns regarding the fact that the public would not be able to speak on the application again. The Committee were happy to have a method of strengthening their decisions, although they requested that the decision to use the protocol be down to a Committee vote, not at the discretion of the Chairman.

It was suggested that the protocol be introduced for a trial period and that the process be given the title 'Delayed Decision Protocol'.

RESOLVED (EIGHT voted FOR, TWO voted AGAINST) that –

- (i) The suggested new deferral process be introduced for a one year trial to allow the Committee a formal protocol to minimise any risk implications from taking a decision contrary to Officer recommendation and the process form a new Schedule to the Planning Procedures Code of Practice;
- (ii) The decision on whether to defer a decision in accordance with the process be made by the Members of the Committee only.
- (iii) This process be known as the “Delayed Decision Protocol”; and
- (iv) All reference to “Environmental & Protective Services” in the Code of Practice be updated to either “Professional Services” and / or “Commercial Services” as appropriate.

62. Application No. O/COL/03/1019 – Mixed Development at New Braiswick Park, Bergholt Road, Colchester

The Committee considered a report of the Head of Professional Services concerning an amendment to a transport contribution which would mean that Essex County Council would need to pay the applicant the sum of £29,136. The Committee had before it a report in which all the information was set out.

Mr Mark Russell, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

RESOLVED (NINE voted FOR, ONE ABSTAINED from voting) that the deed of variation between the applicant, Taylor Wimpey & Persimmon Homes, and Essex County Council, of a Section 106 Agreement dated 7 May 2004, be agreed.

63. Urgent Item – Request to Amend the Scheme of Delegation

The Chairman had agreed, pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972, to consider the following item at the meeting as a matter of urgency

because of the need for the redistribution of existing officer delegations to reflect recent service restructuring, which is due to become operational on 1 October 2013.

The Committee considered a report of the Head of Commercial Services and Head of Professional Services which set out proposed changes to the Scheme of Delegation to effect a redistribution of existing powers to match service function changes that had arisen from the Universal Customer Contact Fundamental Services Review. The Committee had before it a report in which all the information was set out.

Mr Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that –

- (i) the recommended redistribution of existing powers as set out in Appendix 1 and 2 of the report be agreed;
- (ii) these changes become operational on 1 October 2013; and
- (iii) The Legal Services Manager and Monitoring Officer (or equivalent post-holder) make appropriate arrangements to incorporate and publish the agreed amended Schemes of Delegation within the Constitution and that this shall occur in time to facilitate their coming into force on 1 October 2013.

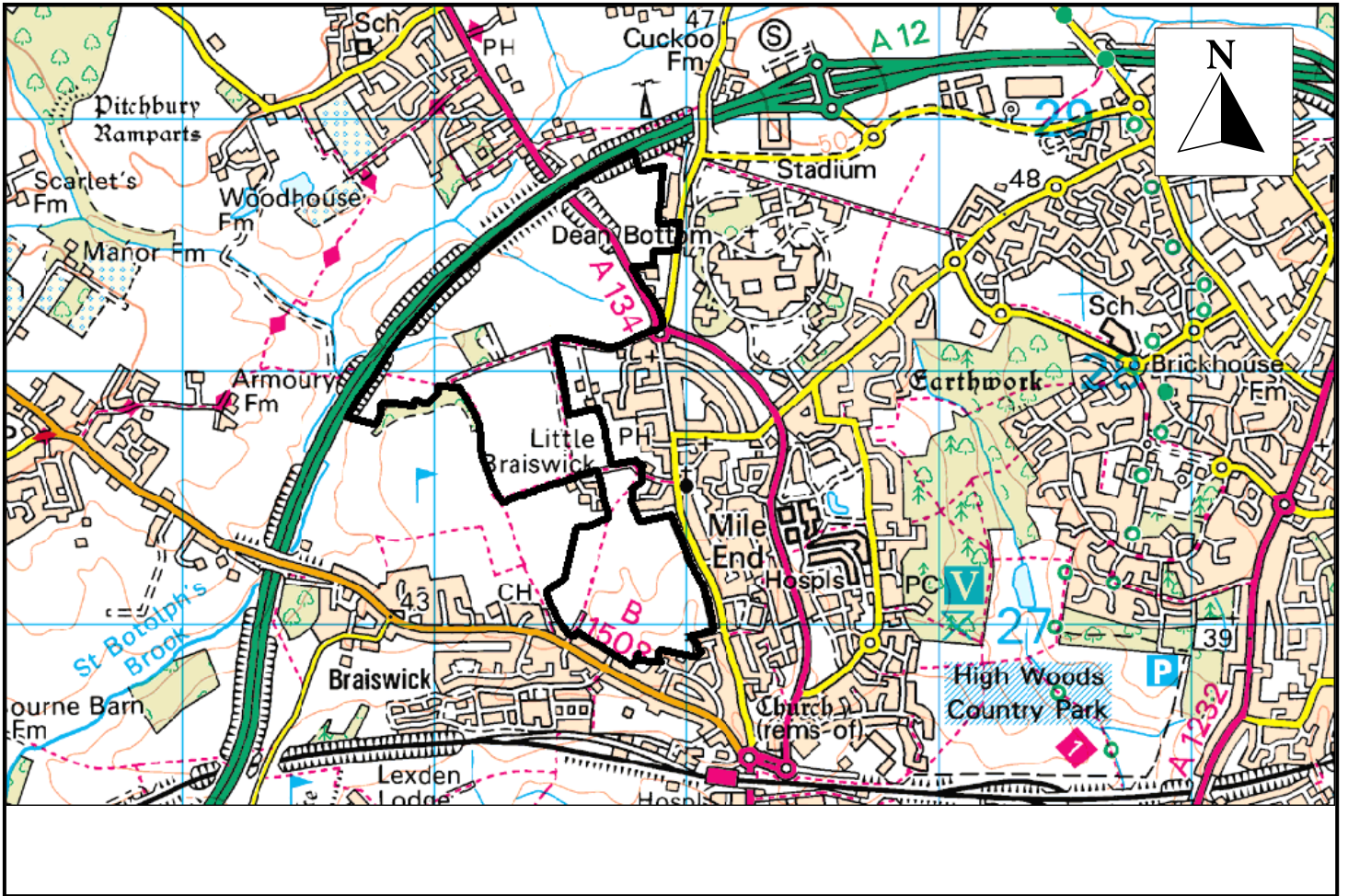


Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **26 September 2013 2013**
Report of: **Head of Commercial Services**
Title: **Planning Applications**



Application No: 121272

Location: North Colchester Urban Ext, Mile End Road, Colchester

Scale (approx): 1:1250

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7.1 Case Officer: Alistair Day

MAJOR

Site: North Colchester, Urban Ext, Mile End Road, Colchester

Application No: 121272

Date Received: 11 July 2012

Agent: David Lock Associates

Applicant: Mersea Homes and Countryside Properties

Development: Mixed use development comprising residential dwellings, a neighbourhood centre including commercial, residential and community uses, education uses, strategic landscaping, green infrastructure and areas for outdoor sport facilities, access (in detail where specified) related infrastructure and other works and enabling works

Ward: Mile End

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 development proposal and a s106 legal agreement is required. Cllr Anne Turrell and Cllr Martin Goss have also requested that this application is referred to the Planning Committee for consideration due to its "wide ranging issues for existing residents which needs to be heard in public".

2.0 Synopsis

2.1 The main issues raised by this outline planning application are whether:

- the proposal is compliant with the development plan;
- the development would have a detrimental impact on highway capacity and safety;
- the development would have an adverse impact on biodiversity;
- the scheme would be a sustainable form of development; and
- appropriate planning contributions are being sought / made.

2.2 The above issues, together with other planning objections raised in respect of this application, are considered in this report. The report concludes that, subject to the suggested planning conditions and s106 obligations, the proposal constitutes sustainable development and is in substantial conformity with the Council's adopted development plan and national planning guidance. Members are asked to resolve to approve this application (subject to conditions and s106 legal agreement) and refer the application to the Secretary of State so that he can decide whether to call it in for his determination.

3.0 Site Description and Context

- 3.1 The site covers an area of approximately 103.74 hectares. The application site is a combination of arable farming land defined by hedgerows and hedgerow trees, land used in horticultural use for the production of roses and woodland. There are no existing buildings within the application site boundary.
- 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 The villages of West Bergholt and Great Horkeley lie approximately 0.75km to the west and 0.3km to the north west respectively.
- 3.4 There are a number of existing points of access to the site, both formal and informal. There are existing Rights of Way which enter and cross the site.
- 3.5 A Tree Preservation Order has been served for individual and groups of trees within the site (Order reference 87/10).
- 3.6 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 application seeks outline planning 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.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 The site comprises land which is not previously developed and has historically been in agricultural use. With the exception of the current application there have been no formal applications for development that relate to the application site.

6.2 The planning application for the redevelopment of Severalls Hospital (O/COL/01/1624) proposes the erection of approximately 1500 dwellings, mixed uses (including community facilities, employment and retail) public open space and landscaping and highways and transport improvements. Linked to this application is planning application F/COL/01/1622 for the Northern Approach Road 3.

6.3 During the course of this application, a planning application (ref: 130937) for the construction of a reservoir on land owned by the golf course to the west of this site has been approved.

7.0 Policy Considerations

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), adopted Colchester Borough Development Policies (adopted October 2010) and the Site Allocations (adopted 2010).

7.3 The Core Strategy (2008) 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 (2010) 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 (2010) 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 (2012) 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. The NPPF also sets out the Government's primary objective, namely that there is "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.7 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

7.8 In addition to the NPPF and SPD detailed above, other material considerations which have been taken into account include the; Technical Guidance to the National Planning Policy Framework (2012); Circular 11/95: The Use of Conditions in Planning Permission; and The Community Infrastructure Levy (CIL) Regulations 2010 and 2011. Regard has also been had to the Growth and Infrastructure Act 2013, Part 6 (Planning) of the Localism Act 2011; and the Written Ministerial Statement by the Rt Hon Greg Clark MP Planning for Growth (2011).

8.0 Environmental Impact Assessment (EIA)

8.1 The proposal is Environmental Impact Assessment development under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. An Environmental Statement has been produced to examine and evaluate the likely environmental effects of the development as required by Schedule 2 (Urban Development Projects of over 0.5 hectares in size) of the Regulations. The Environmental Statement contains the information necessary to enable a decision to be made for the purpose of assessing the significant environmental effects of the development.

8.2 A Screening Request was submitted to the Council on 6 May 2011. A Scoping Report was submitted in support of the Screening Request. The Council issued a joint Screening and Scoping Opinion on 24 June 2011.

8.3 The environmental issues identified are given as landscape and visual impact, ecology, traffic and transport, noise and vibration, hydrology and drainage, historic environment, air quality, socio-economics, services and utilities, ground conditions and interactive and cumulative effects.

8.4 For each issue identified the Environmental Statement sets out the methodology used, including details of the baseline situation and impacts likely to result from the proposed development. All effects direct, indirect, secondary, cumulative, short, medium, long term, permanent, temporary, positive and negative have been analysed within the Environmental Statement and measures considered such as to mitigate any identified impacts. Consultation outcomes were also taken into account along with a consideration of the cumulative effects.

8.5 The Environmental Statement concludes that the proposal is a large scale scheme and would have environmental effects which are assessed for significance in the document. There would be an alteration in the visual impact of the site and permanent loss of agricultural land, together with ecological benefits through habitat improvement and management and the delivery of significant socio economic benefits. Recommendations have been made for the implementation of various measures in order to minimise potential adverse effects during the construction period and post construction period. It is proposed that these matters are addressed and are controlled by the conditions in accordance with Circular 11/95.

- 8.6 Interested parties have queried the conclusions of some of the sections, particularly those concerned with traffic/transport, ecology, flooding and air quality. These matters and the objections raised in respect of them are considered in later sections of this report. It is not considered that the Environmental Statement is inadequate in respect of these matters, to the extent that it prevents a decision from being taken on them.
- 8.7 An Environmental Statement Addendum was submitted in March 2013 to deal with the change in the development including the incorporation of a new secondary access connecting parcel R8 to Fords Land; the relocation of indicative bus stops and their catchment areas; identifying the connection between the Primary Street and the secondary school site as public realm; the provision of secondary access to the school site; removal of the pedestrian access passing across parcel EDU1; and the removal of the parks and garden annotation from the eastern end of green infrastructure parcel G17.
- 8.8 The fundamental objectives of the scheme remain unchanged. The overall environmental balance remains unaltered as a result of the scheme amendments and does not affect the overall conclusion of the original Environmental Statement.

9.0 Notification

- 9.1 The Council has undertaken extensive consultation in respect of this planning application. The Planning records show that 1272 consultation and neighbour notification letters have been posted in respect of this planning application. The applications were advertised in the local press and through the posting of site notices. Following the submission of further details in 2013, a second consultation exercise was undertaken. Press advertisements and site notices also publicised that this application was accompanied by an environmental statement.

10.0 Consultations

The comments received from statutory and non statutory bodies are set out below:

Planning Policy Team

- 10.1 An outline application has been received for the site allocated as the North Growth Area Urban Extension (NGAUE) as identified within the Site Allocations DPD. The broad principle of future development on this site has been established since the adoption of the Core Strategy DPD in December 2008.

Policy Background

- 10.2 Core Strategy Key Diagram 2 identifies a broad area of new housing to the east of Colchester Golf Club, south of the A12 and to the west of the established housing found in North Colchester. Core Strategy Policy H1 provides for a broad greenfield housing location to the north of Colchester Town and a figure of 2200 dwellings is seen in Core Strategy Table H1a for delivery from 2016 within this broad area.

- 10.3 The Site Allocations document adopted in October 2010 provides extra detail for the broad area of new housing identified within the Core Strategy. Site Allocations paragraphs 5.104 and 5.106 outline that North Colchester is expected to be the focus of significant new development over the next 15 years with the urban extension identified to deliver a minimum of 2200 dwellings. The Site Allocations DPD was supported by Sustainability Appraisal work which identified that new allocations on greenfield sites are more likely to provide substantial facilities and infrastructure which not only provides for the new communities but also has the additional effect of benefitting the existing population of North Colchester. The land subject to the urban extension is all within the North Colchester Growth Area and is very close to established large job generators such as Severalls Business Park, Colchester Hospital and the Town Centre, as well as benefitting from proximity to the main line train station and the newly constructed A12 junction.
- 10.4 Site Allocations policies SA NGA1 and SA NGA2 provide significant detail with regards to the level and nature of development expected within the North Growth Area and in particular the area allocated as the NGAUE as seen on the LDF Proposals Maps. The specific elements of these policies will be identified in turn below.
- 10.5 Following the adoption of the Site Allocations DPD, the Council worked closely with a wide range of stakeholders to produce the North Colchester Growth Area Supplementary Planning Document (SPD) which was adopted by Colchester Borough Council in June 2012. The SPD was subject to significant participation and involvement with stakeholders and underwent consultation periods in 2010 and 2012 as well as a community engagement exercise facilitated by the University of Essex. The SPD emphasises and elaborates on the already adopted policy documents and provides further details with regards to the context, access, design approach and scale of development expected to be delivered as part of the NGAUE.
- 10.6 The adopted Colchester planning policies listed above are considered to comply with guidance in the National Planning Policy Framework and its presumption in favour of sustainable development.
- 10.7 The application has been submitted as outline for 1600 dwellings alongside a neighbourhood centre, community uses, education facilities, open space and related infrastructure. The proposals form part of the applicant's master plan for delivery of the site in accordance with the planning policies adopted by the Council. Specific elements are looked at individually below.

Residential

- 10.8 The outline application proposes a mixed use development comprising up to 1600 dwellings within the NGAUE. Originally the NGAUE was expected to deliver a minimum of 2200 dwellings (as detailed within the Core Strategy DPD and supported by the housing trajectory used at the time to demonstrate the housing land available across the Borough.) The Site Allocations DPD (and supporting evidence including the updated housing trajectory) also continued to seek a minimum of 2200 dwellings.

- 10.9 The North Colchester Growth Area SPD however revised this figure to approximately 1800 dwellings in light of public consultation, engagement with stakeholders and changes to national and local policy (which includes revised parking standards, minimum garden sizes and the removal of minimum density requirements.) Continued monitoring of the housing delivery within Colchester also identified further flexibility to reduce the number of dwellings anticipated on this site without compromising the Council's ability to demonstrate a supply of specific developable sites for housing as required in paragraph 47 of the National Planning Policy Framework.
- 10.10 The outline application proposes a lower number of units to that expected in the Core Strategy, Site Allocations or the SPD. This is explained by the fact that part of the NGAUE allocation is in separate ownership and does not form part of the application. The additional land has potential for around 200 dwellings and may come forward at a later date. The reduction in dwelling numbers is also justified by the applicant in paragraphs 5.06 – 5.09 of the Planning Statement provided as part of the supporting information. The reduced number of dwellings along with relatively moderate densities allows for the amenity and garden sizes required in Development Policy DP16 to be met whilst ensuring that the parking provision required in Development Policy 19 and the Essex Vehicle Parking Standards SPD is also accommodated. The supporting Planning Statement also outlines that the number of dwellings has been reduced as a result of local consultation and the Myland Design Statement which seeks moderate densities to ensure that the new development is designed within the context of the surrounding established residential areas.
- 10.11 The reduction in number of dwellings proposed is reflected in the housing trajectory (last published in the 2012 Annual Monitoring Report) which identifies 1600 dwellings as part of the NGAUE. The NGAUE is a large strategic site and the delivery of it will have a significant impact on the amount of housing delivered in Colchester over the next 15 years and into the next plan period. The local community have indicated through previous consultations that they want a lower density development on the site than planned through the Core Strategy and the current plans accord with this. However, ongoing monitoring of densities and housing numbers on later phases would allow changes to be made if appropriate through reserved matters applications. At this outline application stage the reduced number of units does not raise any significant policy objections in light of the justification proposed.
- 10.12 Affordable Housing is a key priority for the Council as well as national government and therefore Core Strategy Policy H4 which seeks to secure 35% affordable housing from new developments is an important consideration. At this outline application stage the applicant has stated an intention to provide 35% across the site subject to viability requirements. The mix of housing types and tenures will need to be determined in accordance with the local housing needs at the time individual phases are determined.
- 10.13 The applicant has also outlined (in paragraph 5.28 of their Planning Statement) that the NGAUE site will come forward in phases with the first dwellings being constructed before the end of 2016. The Core Strategy and Site Allocations DPD are consistent in their approach and clearly state that residential development on the NGAUE and other green field sites is not expected to come forward until 2016. Due to the extended lead in times acknowledged in para 4.20 of the Site Allocations DPD the Spatial Policy Team is satisfied that the applicant's phasing plan is in accordance with the adopted policies and the housing trajectory published in the 2012 Annual Monitoring Report. The team are

also conscious of several references in the National Planning Policy Framework which state that;

- At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...For decision-taking this means: approving development proposals that accord with the development plan without delay (para. 14);
- Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay (para. 15)

Form of development

- 10.14 The outline application proposes a moderately low density scheme with the majority of residential dwellings being two storey in height and a mixture of terraced, semi-detached and detached units throughout the site. This type of development is favoured by the local community who want flats and high density development kept to a minimum because recent development in the parish has been of this type. The lower density approach will result in a mix of developments in the local area. Higher density development of up to 40 dwellings per hectare is to be provided within the Neighbourhood Centre which will encourage active street frontages within this area. This accords with the National Planning Policy Framework which states that local authorities should set out their own approach to density to reflect local circumstances. There is no reference in the NPPF to minimum densities or making the most efficient use of land.
- 10.15 The Core Strategy Table H3a indicates that houses as well as flats and maisonettes are appropriate within areas of “moderate accessibility” such as the NGAUE and therefore consideration should be given at Reserved Matters stage to the delivery of a range of house types and tenures across the NGAUE as required by Policy H3. The delivery of a range of housing types and a mixture of densities across the site (particularly those locations around the neighbourhood centre and to the south, closer to the train station and town centre) may be appropriate.

Neighbourhood Centre

- 10.16 Site Allocations Policy SA NGA2 identifies that the NGAUE is to create a neighbourhood centre as part of the overall development. It is essential that the scale of the neighbourhood centre is appropriate to provide for the needs of the new community and of a size to be viable over the long term to ensure the sustainability of the site. The applicants’ supporting information outlines that the neighbourhood centre will include provision for convenience shopping, ancillary retail, community space, healthcare and small scale business floor space. Neighbourhood Centres are defined in Core Strategy Table CE1a and Core Strategy Policy CE2c which clearly identifies that new housing development should provide for the enhancement of existing centres or create new neighbourhood centres where appropriate to provide for the needs of existing and new communities. The variety of uses proposed by the applicant for inclusion within the new neighbourhood centre is broadly in keeping with the uses outlined in Core Strategy Table CE1b and the definition of Neighbourhood Centres found within the Core Strategy Glossary but it will be essential to ensure that the scale of uses is appropriate and facilities are not provided which may be detrimental to the town centre, employment zones or other centres across the Borough. It is accordingly of concern that the Retail

Impact Assessment submitted with the application proposes a supermarket for the Centre with a net sales area of up to 3450 sqm.

- 10.17 The Council has recently published a borough wide retail study which provides a foundation for considering the retail elements of this proposal. The study identifies that there is a surplus in convenience (food) expenditure which indicates there is scope for one large food store in the Colchester urban area in the short term (up to 2016.) As this is unlikely to be accommodated in the town centre the sequentially preferred site for this is within an Urban Gateway i.e. the Cowdray Centre. In the medium to long term (2016 – 2026) there is a further requirement for 1-2 new large food stores (subject to monitored long term population and expenditure growth.) The Retail Study will help inform future site allocations whereby the Council can determine the most appropriate locations for new large supermarkets based on a comprehensive evidence base, as opposed to a first come approach.
- 10.18 The retail element of the proposal should therefore be considered in relation to the adopted Local Plan, supplementary planning documents, the National Planning Policy Framework and other material considerations. The Local Plan makes several references to a Neighbourhood Centre being provided within the NGAUE. The Core Strategy, Development Policies and the Site Allocations DPD, all contain definitions of Neighbourhood Centre's which refer to 'small scale shops,' 'local services' and 'meeting the needs of the local catchment.' Development Policy DP7 and the explanatory text contains further details on the type of uses, the role, function and catchment expected of Neighbourhood Centres. The applicants accept in their retail impact assessment that a supermarket of the size they propose maybe considered larger than envisaged for the neighbourhood centre.
- 10.19 The Spatial Policy team are therefore of the opinion that the supermarket should be of a size more appropriate for a neighbourhood centre, such as that recently approved in Butt Road (the A1 food store comprised 2,702sqm gross/1,328sqm net tradeable floor area.) In addition to the supermarket, there would be other smaller units making up the centre which could comprise of other A1 retail units, community uses, and also A2 uses such as a bank or estate agent, as well as food and drink type uses.
- 10.20 The NPPF provides for the continuation of locally determined planning policies to define a network and hierarchy of centres to address a range of shopping needs (para 23.) The use of the word 'hierarchy' in the NPPF reinforces the appropriateness of Colchester's Core Strategy policies which provide for differently scaled centres for different parts of the urban area. The NPPF puts the town centre at the top of the hierarchy as the preferred location for large retail outlets. The default threshold for requiring impact tests is set at 2,500sqm, which provides a useful indicator of what is considered to be a large scale retail use. The proposed supermarket, at 3450sqm lies outside the threshold, indicating that it is larger than would be expected for a Neighbourhood Centre primarily serving a local catchment area.
- 10.21 The Spatial Policy Team are encouraged to see that the proposed Neighbourhood Centre is centrally located, close to the schools and ensures active street frontage for the enterprises and facilities which will take up the units provided. Centres provide the surrounding community with shops, community facilities and employment opportunities which will further assist the delivery of sustainable communities within the NGAUE.

- 10.22 There is however concern about the layout of the neighbourhood centre and its relationship with the schools. In particular, the arrangements for vehicular access in this area should be readdressed to ensure there are safe pedestrian only routes and spaces between the facilities.

Education

- 10.23 The proposed site layout shows land measuring 9.79ha to accommodate primary and secondary education facilities. Essex County Council as the local education authority have been involved at every stage of policy formulation and Site Allocations Policy SA NGA1 and NGA2 requires education facilities (including secondary, primary, early years and child care) to be provided as part of the NGAUE development. The information provided as part of this outline application demonstrates that the policy requirement for education facilities is being met in terms of sufficient land but there is no specific mention of early years and childcare and more specific requirements will be finalised by the Council through further negotiations. A clause needs to be included in the S106 agreement about short and long term use of the secondary school site, especially if the education authority considers it is not required for educational purposes. It will also be necessary to ensure that if a secondary school is not provided there is alternative provision made for sports facilities and pitches as it is envisaged that joint community use of the school will take place.

Community Facilities.

- 10.24 Site Allocations Policies SA NGA1 and NGA2 also clearly identify a requirement for community facilities and the outline application demonstrates this provision through new community facilities which the applicant considers to be an integral element of the development.
- 10.25 The location of the new community facilities adjacent to existing playing fields and within close proximity to the existing communities in Myland is supported in principle because it will assist the integration of communities and increase the viability of the facilities provided.
- 10.26 Contributions should be sought to secure management of the facilities and develop community cohesion for a period of time to be agreed after the development commences.

Open Space / Green Infrastructure.

- 10.27 A wide range of open space, green infrastructure and areas for play have been proposed alongside the mixed use development proposed. The applicant has outlined that a total of 37.17ha of open space is to be provided which is distributed through out the application site.
- 10.28 The current application is in outline form with layout and landscaping being reserved for subsequent determination as the site comes forward in phases over the next 15 years. The level of open space identified by the applicant is over and above that required by Development Policy DP16 but it will be essential to ensure that appropriate provision is brought forward during each phase and with the overall context being taken into account. Play areas should be located throughout the development to serve the needs of residents in accordance with the Councils Play Strategy/SPD.

Street Services

- 10.29 The Street Services Delivery Strategy SPD was adopted by Local Plan Committee on 8 October 2012. The contents should therefore be taken into account in the design and layout of the area although it should be noted that financial contributions and the provision of individual waste containers for dwellings will not be sought.

Transportation Policy Team

Location and Accessibility

- 10.30 The proposal accords with policy TA1 – Accessibility and Changing Travel Behaviour where development should be located in highly accessible locations, such as centres, to reduce the need to travel. This location was identified in Core Strategy Housing Topic paper as close to major health care facilities, major retail and strategic employment zones. Access will be enhanced through the development by the provision of a neighbourhood centre and both a primary and secondary school, which will reduce the need to travel beyond the site for some trips.
- 10.31 The access to these and other locations will be enhanced and there is great opportunity through a package of travel change behaviour measures and infrastructure to encourage new residents of this development to adopt more sustainable travel patterns, especially for short journeys to reduce pressure on the road network.

Travel Plan Measures

- 10.32 The LDF Development Policy DP17 requires Travel Packs to incentivise and promote travel change behaviour in new developments. Policy SA NGA5 requires a bespoke package of public transport, cycling and walking measures. The package needs to link together the new infrastructure and services through promotion and education to motivate people to use different modes of transport in every day life.
- 10.33 The proposal includes a Framework Travel Plan (Appendix 3 of the Transport Assessment) which includes a commitment to travel planning and details will need to be agreed through the S106 agreement.
- 10.34 The national Local Sustainable Travel Fund initiative is developing new ideas and before the travel change behaviour package is finalised this should be reviewed and new measures added to the programme, especially where IT and market segmentation can help deliver behavioural change.
- 10.35 The point at which the Travel Plan measures start to be delivered needs to be confirmed. Section 4 (and table in para 5.1.9) are vague on this. The S106 agreement will need to contain details of measures and timing of delivery (which is likely to be upon first occupation of each reserved matters development.) The programme needs to be repetitive so that measures are continually reinforced across the development.
- 10.36 As the programme of measures is rolled out annual reviews should be undertaken to ensure the most successful measures are delivered or new approaches are developed.

Walking

- 10.37 The application confirms that a new walking network will be developed using a mix of the existing PROW network and new routes created within the development. The layout should give priority to those walking, especially where walking routes cross the road network.
- 10.38 Public Realm Policy PR2 requires that the design creates secure attractive, safe and people friendly streets which encourage more walking, cycling, recreation and local shopping. The outline design appears to follow these principals and those set out in the Dft's Manual for Streets. However, it is important that these principals are carried through as part of the detail design processes e.g. consideration of the design of the crossings at the northern access and on the new Bosted Road junction.
- 10.39 There are a number of existing public rights of way across the area which are shown to be maintained and upgraded, connecting through to the wider external network. The current PROW network accommodates footpaths but should be enhanced to allow for cycling either by changing its status or creating cycle tracks alongside. Where these PROWs cross the internal road network detail designs should give priority to walking and cycling movements.
- 10.40 There are number of points where the "leisure routes" connect into the existing network outside of the development red line, and these sections must be upgraded as part of the development to ensure routes are of continuous standard e.g. between Valley Parkland and Bergholt Road, and eastwards to Mile End Road.
- 10.41 It should be a condition of any permission that the developer upgrades the PROW connecting the segregated leisure routes from the Western Parkland area and the route near Braiswick Farm heading southwards towards Bergholt Road, where there is a key access point leading to the railway station and a bus stop.
- 10.42 Crossing points are required to enable access to the wider opportunities, to the hospital, through Severalls (to allow access towards the Community Stadium and North Colchester Business Park,) the Railway Station, Highwoods Country Park, and north westerly across the A12 giving access to the rural areas. Financial contributions or agreement should be sought for these crossings to be delivered.

Cycling

- 10.43 There is no existing cycle network on the site and in line with policy PR2 it is expected that development will provide much of this new network in a way which gives the cyclist priority over the motor vehicle.
- 10.44 The Adopted Cycling SPD (January 2012) sets out a number of measures to enhance and promote cycling. As well as infrastructure this SPD also sets out a range of non infrastructure measures such as training, lead rides, maintenance and events to promote cycling. A "Bike it" or "Cycle Champion" type officer should be engaged as part of the development to deliver cycle programmes to residents, at the work place and at school as part of the Travel Plan.

- 10.45 It is proposed that the PROW network will be enhanced by conversion to allow cycling or by creating cycle tracks to ensure connections are made to the wider network including upgraded crossing points of the existing road network, especially leading to the wider opportunities. The PROW routes heading south from the Western Parkland and near Braiswick Farm will allow for cycling. All of the attractors in the development should have appropriate levels of cycle parking constructed as part of the design e.g. the local centres, the school, community facilities, and the major retail unit. It is expected in this location that many of the residents will use the railway station for work and therefore a contribution should be made to increase the secure cycle parking facilities at the station.

Public Transport – Bus Routes and Services

- 10.46 As a greenfield site there are no services currently crossing the development area. To deliver sustainable travel it is essential that the development is well served by buses. Key features include:
- High frequency service
 - Reliable service
 - Access to the service
- 10.47 Currently services run along Mile End Road to the east of the site and along Bergholt Road to the west/south. Buses generally work on a radial pattern from the town centre, via the railway station and then along Mile End Road or Bergholt Road.
- 10.48 On Mile End Road the key service is the number 2 on 15 minute frequency Monday to Saturday during the day. This service goes on to serve the village of Great Horkesley to the north. Along the Bergholt Road the main service is the 66 to West Bergholt on a 30 minute frequency throughout the day. Service 63 serves New Braiswick Park on a 20 minute frequency. There are a number of limited frequency services such as the 17 and 754 which serve schools, the rural area and through to Sudbury. In the evening and on a Sunday the level of service drops off considerably.
- 10.49 The nearest existing bus stops to the development are along Mile End Road, Nayland Road and in Bergholt Road. The proposal identifies these stops and those parts of the development that are within the maximum 400m distance for access to a bus stop. However, these stops need to be accessible with quality routes (see Walking) to be attractive to residents of the development.
- 10.50 Early phases of development will be served by improved bus stops south of the A12 on Nayland Road. These may need to be made more accessible by moving the stops closer to the new junction into phase 1. The diversion of Nayland Road will facilitate penetrative bus services which may also be considered as part of the development.
- 10.51 The proposals identify 3 indicative bus stops along the primary route through the site. The Institute of Highways and Transportation Guidelines for Public Transport in Developments suggest that the walking distance to stops should preferably be 300m, 400m as a maximum – ECC use this latter figure as the distance for planning purposes. The IHT suggest that the distance between bus stops should be 300 to 400m in urban areas to strike a balance between access times and speed of the bus service. Based upon this distance there are too few bus stops being provided on the spine road. Further stops to serve the development will be required.

- 10.52 The development areas r13, r14 and r15 are all beyond the 400m distance from the stops as currently proposed. The bus route and the stop locations will need modifying at reserved matters stage to ensure that these areas fall within the 400m distance.

The level of service

- 10.53 In the applicants submission to the Core Strategy information was provided to support this location for development using the Fastrack public transport system in North Kent as an example of what could be required to deliver sustainable public transport. This Fastrack service was characterised by early delivery of the full service into development, high frequency service, reliability of service through bus priority measures, branding and quality, supply of information, all giving the user confidence.
- 10.54 The proposal has moved away from the Fastrack approach and seeks to modify and divert existing services. Consideration should be given to connecting the new and existing developments using new services to connect the major opportunities such as the town centre, the station, the hospital, north Colchester Business Park and future employment and leisure opportunities on Cuckoo Farm.
- 10.55 The bus strategy supplied does not do this. It modifies and splits the number 2 service devaluing it to the residents of Mile End Road and the adjoining streets. Splitting the service reduces the Mile End Road frequency to ½ hourly. Those catching the 2 from the town centre will have to know which one to catch if they want to access a facility in Mile End Road.
- 10.56 The first new bus service is only delivered when phase 2 of the development is complete (920 dwellings) and therefore all the dwellings constructed up to this point are reliant on existing or diverted services. A significant proportion of phase 2 dwellings will be more than 400m from a bus stop as the diverted bus service does not penetrate into the development (see stage 2 of the submitted bus strategy).
- 10.57 The main spine road is required to provide a complete north south bus route through the site. The bus strategy in para 3.4.1 states that “once phase 2 development is constructed, it is proposed that the main spine road through the site is completed.....”
- 10.58 To meet Core Strategy Policy TA1 on changing travel behaviour and realising the benefits of this location an earlier commitment to providing a bus route and service which better serves phases 1 and 2, meets the 400m requirement and does not divert an existing service is required.
- 10.59 The proposed new local service does not link together the development with the major opportunities. It links to the station but little else of significance. The routing of this local service should be modified to better serve the community and link together residential areas with health, employment and leisure opportunities. Services to the schools and the neighbourhood centre should also be provided.
- 10.60 Allowing only buses, cycling and walking to access the site via Bartholomew Court (at the southern end of the development) gives a clear indication to new residents that priority is given to those wishing to travel by bus, cycle or walk. To ensure that this is not abused this restriction needs to be enforced.

- 10.61 The physical bus priority infrastructure measures are limited to Bartholomew Court and at the revised Boxted Road/Nayland Road junction. The Design and Access statement proposes that the signalised junctions such as the Northern Access from Nayland Road will have bus priority built into the traffic signals. Consideration should be given to providing bus lanes in this location to give visible bus priority as this is the main vehicle access point, allowing buses to move ahead of queues that may form here. Support for bus priority measures in the North Station area is required to encourage use of public transport buses which need to be frequent and reliable. A commitment to this is shown in the physical improvement works identified at Essex Hall and Albert roundabouts.
- 10.62 The Section 106 agreement needs to cover the phasing, timing, extent and costs of operating the services. The bus strategy refers to discussions having been held with the two major operators but does not state whether they were in agreement with the proposals. Services provided need to provide value for money and ultimately become commercially viable.
- 10.63 The IT and marketing packs is welcomed. Further consideration needs to be given on how this information can best be delivered over a period of time. Technology and accessing information is moving forward in this area. Real time information should be provided away from the bus stop in locations where people will congregate e.g. the neighbourhood centre and the community centre. These measures will need to be linked to the Travel Plan.

Vehicle Access and Network Capacity

- 10.64 The County Council is reviewing the comprehensive Transport Assessment information and have suggested a number of changes to the modelling work which has been undertaken.
- 10.65 The applicant has proposed changes to:
- The A134 Nayland Road from its junction with Boxted Road to the A12 – this provides the main vehicle access point to the development on either side of the A134 in this area. New signalised junctions are proposed on the A134 as the connection point for the new primary street through phases 2 and 3 and a concoction into phase 1.
 - A new junction on Boxted Road to provide a connection point for an east west link across phase1.
 - The existing Boxted Road Nayland Road junction is reconfigured and gives priority for buses.
 - The southern end of the primary street is connected into Bartholomew Court, for walking, cycling and bus access only
 - Exclusive vehicle access is allowed along Braiswick Lane
- 10.66 The Transport Assessment has covered a number of off-site junctions and has tested the network at different stages of the development. The County Council and the Highways Agency are undertaking detailed review of this assessment work.

- 10.67 The Core Strategy in section 6 Implementation and Monitoring sets out infrastructure associated with development in Colchester; the Site Allocations policies SA NGA4 and SA NGA5 set out infrastructure requirements specific to north Colchester. The latter policy links together the release of this land and transport infrastructure. The transport requirements are also set in the adopted SPD. These documents linked the NGAUE to:
- Enhancements to the new A12 Junction 28
 - A12 demand management and access control measures
 - A comprehensive package of travel planning measures
 - The North Transit Corridor
 - Completion of the Northern Approaches Road
 - Improvements to the A133 Central Corridor
 - A133/134 North South capacity improvements
 - A bespoke package of public transport, cycling and walking measures
- 10.68 A package of off-site highway works have been identified which will be delivered in accordance with triggers in the development. The works should be secured either through agreement under s278 of the Highways Act or a S106 planning agreement.

Major Development Team

Urban Design Officer

- 10.69 The constraints of storey heights and densities, imposed by the parameter plans submitted as a part of the application and used to assess the environmental impact of development, will create an overly homogenous and unresponsive development. The majority of the site is proposed as a constant two storey medium density development and the parameter plan restricts punctuation and articulation at the small scale; where a street, hill or square may require roof articulation or stronger enclosure. This weakness in the application will remove opportunities for variation in character, design responses to constraints and lessen visual richness within streetscapes
- 10.70 The constraint of the density parameter plan also denies the opportunity to provide apartments in much of the site. Whilst the number of flats provided in the scheme will be a maximum of 10% as suggested in the Councils SPD, the restriction of higher density and storey heights is likely to prevent their provision outside the immediate environs of the neighbourhood centre.
- 10.71 The lack of variation in the types of usable open space creates further homogeneity to the overall scheme. The topography of other areas land proposed for open space are not suitable for housing but are also not suitable for many types of recreational activity and will be inaccessible to some groups in society. Much of the open space in the south is topographically challenging for some user groups and it is evident from the placement of water retention areas that the open space terrain is at low points and will be naturally boggy. This is echoed across large parts of the generally long, narrow open space illustrated. This lack of variation and treatment of this significant extension as a single entity, almost a large single estate rather than a series of communities and character areas is a poor response to the site. Little has been proposed to suggest how the residential areas will be defined and how social elements of sustainable development will function at anything less than the global scale.

- 10.72 The linear alignment of the spine road relies on the narrowing of the carriageway and rumble strips to reduce speed limits to 20mph. The spine road is also pushed to the edge of the main residential areas. This contrasts with Council's SPD that shows a meandering alignment through the centre of the site, which will enable traffic speeds to be calmed naturally and create greater visual interest.
- 10.73 The interaction of the spine road and the neighbourhood centre is poor. The spine will carry virtually all the traffic from the NGA through the square which will create a car dominated noisy environment. The neighbourhood square will form an integral and important new urban space. The applicant's DAS provides a poor justification for this design decision.
- 10.74 The route of the deviation from the A134 creates development blocks that are poorly sized to achieve appropriately designed perimeter blocks. This is clearly designed to favour movement and provide the overly large food store with passing trade.

Landscape Officer

- 10.75 The Landscape Officer has made some general points for consideration including:
- The exact location of any 'primary surface water attenuation ponds' will need to be addressed under detailed application and will need to be located well outside the potential root protection areas of retained trees and hedges.
 - It is recommended sufficient space be proposed between the built form along the road link between the north-western end of the NAR through to the A134 Nayland Road link to allow for a tree lined avenue, this avenue structure characteristic of and complementary to the NAR link into town.
 - The proposal to pedestrianise Fords Lane and resulting new road link would appear to have minimal and therefore acceptable impact on the hedge bounding the Lane and it's associated footpath, this provided the highways authority are satisfied no sightlines requiring further removal of the hedge is required.
- 10.76 The Landscape Officer is satisfied with the landscape content of the proposal subject to the above and appropriate conditions.
- 10.77 In respect to hedgerow protection, the Landscape Officer has advised that all the hedgerows were assessed by against the assessment criteria within The Hedgerows Regulations 1997 (under Schedule 1 Part 2) at the pre-application stage. None of the hedgerows were found to be classified as 'important' under the Hedgerow Regulations

Arboricultural Officer

- 10.78 The Tree Officer is in agreement with the principles outlined in the tree survey and arboricultural implication assessment. However, the use of A/B, B/C and C/U categorisations for the retention categories needs to be amended to state only A, B, C or U.

- 10.79 Further to the principles of the survey and methodology being acceptable at this time. As each phase of the reserved matters comes forward the implication assessment and methodology will need to be updated to reflect the infrastructure and built form proposed within the parcel of land such that the implications are fully understood at each stage and the correct construction techniques used.
- 10.80 It should also be noted that as this development is likely to take a number of years to complete, the tree survey will need frequent updating, usually on an annual basis, such that the information provided within it is accurate and fit for purpose. It is highly likely that over the course of the development that many of the trees will become of lower value and as such will have different requirements to facilitate their retention. In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above.

Conservation Consultant

- 10.81 The advice provided by the (then) conservation consultant can be summarised as follows:
- No built heritage assets are located with the development site, however to have an impact a development does not have to physically alter the asset or curtilage to alter its setting.
 - Guidance notes that the extent of a buildings setting is often expressed by visual considerations; the setting of a building is generally more extensive than its curtilage.
 - The EIA considers the impact of the development on Braiswick Farmhouse, Tubswick (now demolished), Church Farmhouse, Terrace Hall and the Lodge at Terrace Hall. The development will have a significant impact on Braiswick Farmhouse (visual,, noise, movement and lighting); the development will have minimum impact on the other identified heritage assets.
 - There are a number of locally listed buildings in the general vicinity of the site. Whilst some of these buildings are reasonably close, their context is urban and the development will not significantly affect them.
 - In conclusion, the ES has recorded the primarily designated heritage assets; the proposed development is either of no significance in regard to the preservation of the special character of these buildings or of very slight significance.

Archaeological Officer

- 10.82 The evaluation has indicated that there are specific areas that will require archaeological mitigation and will require full elevation. There is no indication that any features would warrant an objection. An archaeological watching brief will need to be conducted as the development proceeds. It is recommended that standard archaeological conditions are attached together with a condition requiring the completion and submission of the archaeological evaluation.

Strategic Housing

- 10.83 The Housing Development Officer has requested through the Council's Development Team for 35% affordable housing.

Environmental Control

Air Quality

- 10.84 The submitted Air Quality Impact Assessment (AQIA) is considered acceptable. The AQIA demonstrates that the scheme would not cause any exceedances of the air quality limits for NO₂ or PM₁₀, and that no further mitigation measures are necessary. It is however considered good practice for a scheme of this size and duration to provide a Low Emission Scheme for both on and off site vehicles for the duration of the development.
- 10.85 A scheme of this size and duration will need to consider 'future proofing', particularly transport and the likely move towards electric vehicles. The NPPF 35 states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people and incorporate facilities for charging plug-in and other ultra low-emission vehicles..." It is recommended that provision is made for electric car charging points are included in garages and parking areas.
- 10.86 The assessment suggests that mitigation measures should be written into the Dust Management Plan (DMP). It is recommended that all suggested mitigation measures (points 11.73, 11.74 & 11.75) are conditioned.
- 10.87 Environmental Protection would recommend that Air Quality monitoring for NO₂ is be carried out at receptor points near North Station as this is a congestion hot spot, as there will a cumulative effect of this and other proposed developments in the north of Colchester.

Noise

- 10.88 There is no objection to this application in principle, subject to conditions relating to mitigation measures for traffic noise.
- 10.89 Regarding the school site, Environmental Control have advised that there should be at least one outside area that is below 50dB(A) 30min limit so that this can be used for outside teaching. Environmental Control note that Essex County Council Highways is the lead authority for assessing Road Traffic Noise and have the means (computer modelling) to check the methodology for Calculation of Road Traffic Noise.

Contamination

- 10.90 The submitted contamination report is considered sound and suggests that contamination on this site is limited and the site could be made suitable for the proposed use. It is recommended that additional investigations and risk assessments (as noted in the submitted report) are conditioned.

Community Services & Parks and Recreational Services

10.91 Comments from the Parks and Recreational Team, the Community Project Worker and the Sport and Leisure Team Leader are summarised as follows:

Community Centre

- 10.92 The North Colchester development must include a single storey community centre to meet the needs of the residents from the new development. The provision standard for community buildings is based on a calculation of 0.75sq.m. floorspace per dwelling. As a guide the Council uses a survey undertaken by Fordham Research Associates into provision in Colchester (2000). A standard of 0.75 square metres per dwelling has since been used, up to the optimum size suitable and sustainable for the development. The minimum size for a stand alone Community Centre would be 500sqm internal floor space and the maximum 800-1000sqm internal floor space. This is based on enabling enough community activity to take place in order for the building to become self-financing and sustaining. Accordingly a 1600 unit development could generate a need for a building of 1200 sq m although it is acknowledged this is above the optimum size. There will also be a requirement to provide revenue funding of £75,000 to employ a centre manager to support the community centre for running costs over a period of two years
- 10.93 A single storey building would remove the need for the installation of a lift. The use of the centre for badminton is perhaps a standard default position and it is considered that the cost associated with providing a building with sufficient ceiling height may not be justified on the basis of cost against community benefit to be derived. Expenditure would be much more effective when used to enhance the footprint or facilities within the building rather than a building with an increased ceiling height and the associated costs of heating an increased volume.
- 10.94 Provision of badminton and other community sports that have specific building requirements should be considered in the context of shared use of educational facilities making the most of these facilities when they are not being used for primary or secondary education. It is recognised that the timing of educational facilities within the development cannot be confirmed and it is therefore important to consider how the new residents needs for sports within sports halls can be met in the short term until sports halls shared with educational facilities can be provided. Such solutions could include access to existing facilities with spare capacity or the provision of temporary facilities.
- 10.95 Consideration should be given to providing office space for the Community Council within the building to provide longer term management and enhance the community role of the area.
- 10.96 There must be adequate numbers of parking spaces and cycle storage available for users to widen participation leading to a more sustainable facility in the long term.
- This meets the Life Opportunities target of enabling local communities to help themselves.
 - Matches the Colchester Borough Council Strategic Plan 2012-2015 by creating opportunities for all its residents.

Sports Halls and shared use facilities

- 10.97 In the possible absence of some sports facilities being incorporated in to the Community Centre, the importance of arrangements for shared use of facilities with educational premises is significant. There are other facilities available within the Borough such as Leisure World Highwoods and Leisure World Colchester but from a sustainability perspective, customer convenience and maximising use of resources, shared use arrangements with the school are important. This also brings the school, pupils and residents in to the heart of the community.
- 10.98 If strategic recreational facilities cannot be provided on-site, they will need to be provided by off-site facilities or improvements to existing Borough wide strategic facilities funded from developers contributions based on the S106 contribution schedule.
- 10.99 Due to the lack of certainty over the dates of provision for primary and secondary schools and the prime location that such facilities will occupy it is important that these key locations do not lie vacant and abandoned waiting for a decision by ECC. It is considered that these areas should receive basic landscaping whilst they are vacant so that the community has access and use of the site whilst its future is being determined.

Multi use games area (MUGA)

- 10.100 The lack of indoor sports facilities within the development could be addressed in part by the provision of a MUGA which can be used all year.

Green infrastructure

- 10.101 The setting for the residential development incorporates a number of green corridors. Such corridors need to be of suitable design so that the areas have a recreational purpose and are not simply a pedestrian and cycle route. Suitable illumination needs to be considered on a hierarchical basis to ensure that there is always a safe option to be used albeit it may not be the most direct. Green infrastructure must appear safe to the user to encourage usage which means avoiding obstructed bends and keeping margins of footpaths and cycleways clear of overhanging vegetation by way of regular mown borders. Green infrastructure creates opportunity spaces for recreation such as occasional seats, benches and picnic tables. The routes that are created by linking green infrastructure make ideal fitness trails and the opportunity should be seized to create fitness stations with fixed or moving health equipment (outdoor gyms). Whilst cycling participation is anticipated to increase, particularly if provision is made, there is a demand from teenagers and young adults for wheeled sports facilities that have different requirements than recreational cycling. Consultation in other areas of the Borough have identified the desire for wheeled sport facilities that can accommodate BMX, skateboards, roller blades, scooters. A skate park would provide a suitable and purpose built alternative for those who participate in this activity
- 10.102 The development is to include waymarked routes in five colours, green, blue, yellow, black and red to reflect the Olympics. In addition, there is a request to include pathways and cycle paths around the development to enable all weather access and movement subject to the routes being safe and welcoming.

- This meets the Life Opportunities target of providing sport and leisure for all, alongside good quality green spaces and play areas.
- Matches the Colchester Borough Council Strategic Plan 2012-2015 by creating opportunities for all its residents and being cleaner and greener.

Open Space Provision

- 10.103 It is recognised that the total green infrastructure and open space exceeds the 10% minimum requirement. It is considered that this provision when appropriately designed and constructed to deliver the benefits referred to above will create a quality setting which will reflect in the quality of life for the residents but will also result in good quality developments and the associated values of properties.
- 10.104 The provision of “excess” open space is a design decision by the developer considering the constraints and opportunities of the site. In considering the SPD requirements for open space sport and recreational facilities, the provision of open space within the development will be taken in to account but excess provision will not offset the contribution required for strategic facilities which are not being provided on the site.
- 10.105 Open spaces need to be meaningful in terms of size and location and the Council will resist small areas of open space that are undevelopable for residential purposes. The introduction of SUDs are recognised as the way forward in terms of storm water management but their provision must consider the amenity of the site, their maintenance and their recreational impact. The provision of SUDs which render open spaces unsuitable for recreational purposes must to be avoided.
- 10.106 The Council will consider taking on the subsequent maintenance of the open spaces and green infrastructure subject to their delivery in accordance with the approved detailed designs and a commuted sum for the subsequent maintenance. A schedule of the commuted sums required for plays areas, sports pitches and different land typologies is available on the Council’s website.

Winter and Summer Sports

- 10.107 The proposal provides for the expansion of the Mile End Recreation Ground by 2 football pitches and one cricket pitch. The new development will generate increased demand for formal sports pitches which can be met by the expansion of the Mile End Recreation Ground in the vicinity of the new development, assisting in the need for additional traffic generation created by sportsmen and women having to travel to alternative locations. This is welcomed and the pavilion is designed to enable the number of changing rooms to be increased accordingly which will be necessary as part of this development to reflect the increase in user numbers.
- 10.108 The area proposed for outdoor sport has been considered in relation to Colchester Borough Council’s open space standards derived from their PPG17 Open Space, Sport and Recreation Study. The standard for outdoor sports facility provision is 1.5 hectares per 1000 population. The development would generate an estimated population of 3,792 persons as set out in paragraph 12.56 of the Environmental Statement. Based on a standard of 1.5 hectares per 1000, the development would generate a need for an additional 5.69 hectares of outdoor sports provision. As 5.7 hectares of outdoor sports provision is proposed in the development, the level of provision proposed would meet the recommended minimum standard

- 10.109 The existing Mile End Recreation Ground provides sports pitches to a good standard and is well regarded by the teams using the facilities. The site also has a Deed of Protection in conjunction with the Fields in Trust, Queen Elizabeth II Fields Challenge. From a service delivery perspective it makes management and operational sense to extend existing facilities for similar uses in order to carry out effective maintenance operations. By creating centres of activity, support facilities such as car parking, changing rooms etc can benefit from economies of scale.
- 10.110 Sport England has consulted the England & Wales Cricket Board (ECB) who have confirmed that the development would generate demand for additional cricket pitches. The existing wickets and outfielders are used by senior teams and it is a requirement that the additional provision will meet similar dimensional requirements.
- 10.111 To meet the requirements of the additional players and match officials changing rooms and additional toilet facilities will need to be provided to match the increased user numbers. The design of any new changing rooms will have to consider the needs of female and male players so that the pitches can be used by all.
- 10.112 There will be no clubs with an administrative base at the extended Mile End Recreation Ground. Sport ground provision is being made at the northern site and has the potential to be offered to existing or new sports clubs for their exclusive or shared use. This arrangement will be investigated further, subject to the response from potential users. As the use of the northern site land is flexible and there is no determined proposal for the sport that it will accommodate, no built facilities are to be provided at that location.

Allotments

- 10.113 There is a Borough wide demand for allotments with waiting lists for all 19 sites that are provided by CBC. It can be anticipated that 1600 dwellings will generate further demand and therefore consideration must be given as to how this demand is to be met. Allotment sites need to be provided with suitable services including security fencing, water supply and vehicle access and parking. A full size allotment plot is around 250m² with further non productive land take for access roads and parking. A development of 1600 units is expected to result in an increased population of approx 3728 (based on 2.33 people per dwelling – 2011 Census) 0.2ha of allotments are required per 1000 population so the development generates a need for at least 0.75ha of allotments. To encourage sustainability, allotment sites should be easily accessible to local residents to encourage access on foot although it is anticipated that there will be vehicle use to bring on tools, materials etc. Due to the interest in allotments and the length of the waiting list allotments attract users for all areas of the borough and will not be used exclusively by local residents.
- 10.114 Allotment sites need to be reasonably level but most importantly free from soil contamination and air pollutants

Children's Play

- 10.115 The development will be required to provide play areas in accordance with the adopted SPD and Play Strategy as follows:

0.05 ha children's play provision per 1000 population (all ages)

0.05 ha teenagers provision per 1000 population (all ages)

LEAP or NEAP provision for every 300 population aged 0 – 9
LEAP provision within 400m of every dwelling

- 10.116 LEAPS and NEAPS are to be provided within the residential development parcels and within the strategic green infrastructure being integrated so as to provide overt surveillance. Play experiences are to be maximised by utilising natural features such as topography and natural materials in combination with challenging play equipment.
- 10.117 Trigger points to deliver these features are important not only to establish their existence at an early stage of development so that residents are aware of their existence but also to be providing local safe facilities for children to play. For this reason the delivery of LEAPs and NEAPS should be triggered by 50% occupation of the associated development.

Street Services

- 10.118 Street Services has requested that litter bins and dog litter bins are provided as a part of this development.

Development Team (Officers) and Leadership Team (Members)

- 10.119 The Development Team noted that the viability of this development is such that it can not support all the requested s106 obligations. In the light of the importance of this scheme to Colchester, the Development Team noted that it would be more appropriate for the relevant Portfolio Holders / Leadership Team to advise on the priorities for s106 monies.
- 10.120 This application was presented to the Council's Leadership Team on 13 June 2013. The Leadership noted that this scheme could not fund all the normally required planning obligations and advised that affordable housing provision should be considered as to top priority.

ECCOS (the Council's Ecological Consultant)

- 10.121 The advice from ECCOS is summarised below:

There are significant flaws in the methodologies of the ecological surveys carried out to inform the Environmental Statement and these are detailed below:

Birds

- The breeding bird survey was carried out between 19th May and 6th July 2011, bird surveys would normally begin at the end of March;
- The winter bird surveys were carried out over a period of less than two weeks (10-22nd December 2011). Winter bird populations change, in abundance and patterns of activity, as the winter progresses and in response to weather conditions. Surveys would be expected between November and early March and should be at least monthly;
- No satisfactory justification for a shorter survey season has been given.

- The breeding bird population is rightly assessed as being unusually diverse and numerous, especially so for Skylarks, Yellowhammer, warblers and with the presence of Turtle Dove, Willow Warbler and Bullfinch. With the exception of Skylark it is recognised that it is the hedgerows within the site that are the primary habitat feature for most bird species.
- Notwithstanding the shortcomings of the bird survey, it is acknowledged that it is unlikely that any potential under-recording would make a significant difference to the conclusions presented in the ES, which are moderate adverse impacts during construction and operation.
- Mitigation is based on the protection of the majority of woodland and hedgerows and it is questionable whether or not these measures are sufficient to offset a moderate adverse impact i.e. the same hedgerows within an urban setting will not support the same diversity or abundance of species. The mitigation and enhancement outlined in the report focuses on protection of surviving features and the creation of wild flower habitat, without any compensation for the loss of mature hedgerows. Further specific details of habitat protection and management would be expected in an overall habitat management strategy and to inform the detailed plans of each development phase

Bats

Bat surveys were carried out over four days, 29th September to 2nd October, whereas published guidance recommends that surveys are carried out between March and September, with the optimum period being June to August.

- The use of two surveyors over four nights to cover six locations across the site could only be considered as one survey, and does not reach the standard recommended to cover a site of more than 75 hectares. The surveys lasted for 60 minutes after sunset, which is barely sufficient for all species to have emerged from their roosts. The published Guidelines recommend a survey time of sunset to 2-3 hours after sunset for a survey of bat activity away from a roost. No assessment of roost potential was carried out, in hedgerow trees for instance, and the timing of the surveys would not allow for any assessment of the likelihood of their being maternity roosts within the survey area, based upon activity;
- The ES does not contain an adequate baseline assessment of the value of the site to local bat populations. However, it is suggested that, while that baseline information is still necessary to inform an adequate strategy to mitigate for the impacts of the whole development on the way that bats use the landscape, the significance of these impacts is unlikely to provide a sufficient reason for the application to be refused.
- It should be expected that thorough bat surveys, adhering in every respect to best practice, be carried out prior to the commencement of the site's first development phase, with the results utilised to inform a comprehensive mitigation and compensation strategy.

Great Crested Newts

- The survey visits took place between the end of May and middle of June, right at the end of the Great Crested Newt breeding season and outside of the key mid-April to mid-May period during which half of all survey visits should be made.
- The Response document rightly points out that the spring of 2011 was unusually dry and so the later than usual survey dates are understandable. This constraint on the survey was not acknowledged within the ES (the ES merely stated that the guidance had been followed).
- None of the survey visits used three methods and the ES makes no mention of bottle trapping, widely recognised as one of the most effective methods for detecting presence or absence. The Response document states that bottle traps were used as a part of the survey work. If the surveys were carried out as stated, then the conclusions regarding presence or absence in the ponds on the golf course can be taken as valid.
- Although the surveys are not considered to have effectively proven presence or absence of Great Crested Newts within the survey area, they are considered to have been sufficient to rule out the presence of any unusually large populations. As a result, it is suggested that any adverse impacts could be addressed within current accepted mitigation practices. On this basis there appear to be insufficient grounds to recommend refusal. A full survey should be required prior to any development on the site and the need for repeat surveys should be re-assessed prior to each phase of development.

Reptiles

- Only five dates are given for the reptile survey; guidance recommends that at least seven visits are needed to establish presence. The survey visits were completed within a two week period in the second half of September, which does not reflect best practice, although not explicitly precluded by published guidelines.
- The ES contains no illustration of the extent of survey and so it is not possible to determine whether it was completed thoroughly. The Response document provides an explanation of the basis and evolution of the reptile survey, identifying interference with artificial refuges as a constraint, and the use of direct observation as a compensatory methodology.
- Despite the outlined weaknesses in the collection and presentation of reptile survey information, it is acknowledged that it appears that reptile populations are unlikely to be significantly affected by the proposals.
- It should be noted, though, that legal obligations to prevent the harm of reptiles remain throughout the development process and that additional information may be necessary to accompany detailed applications for each development block. Given the presence of reptiles on and adjacent to the site, it would be expected that those populations will spread with the cessation of agricultural management.

Invertebrates

With regard to the issue of whether or not an invertebrate survey should have been completed, I would suggest that the consultant ecologist has attempted to address this issue by commissioning a specialist invertebrate consultant to assess the site. However the invertebrate assessment does suggest that a survey should be carried out for Stag Beetles and recommends a practical means by which some sampling of invertebrate populations can be achieved. These recommendations have not been followed up.

Conclusions

Despite the inadequacies identified in the survey work carried out, experience would suggest that there are no ecological grounds for refusal that would be sufficiently robust, on their own, to withstand appeal.

The ES provides outline mitigation proposals, including the need for a “habitat protection plan”, and points out that further detail will come with reserved matters. There is a need for a thorough and detailed scheme of mitigation to cover the whole development, most critically the basic green infrastructure identified in the Development Framework Plan, prior to the commencement of construction. In order to ensure the best outcome for the wildlife of the site, it is suggested that, if planning consent is to be granted, a pragmatic approach would be to require further ecological work as a condition of the consent. Such a condition can then be used to ensure that the level of ecological information is raised so that it is appropriate to inform the necessary mitigation and compensation measures, as part of an overall environmental management strategy. The strategy should include prescriptions on lighting schemes, and any other similar details of construction that could directly or indirectly affect the value of the green infrastructure, and these must apply to all subsequent development blocks. It should be ensured through this strategy that compensatory habitats are available in advance of impacts to extant ecological features, so that there is no break in the ecological functionality of the landscape as a whole. There should be particular emphasis on measures to ensure the continued dispersal of all wildlife through the development site and beyond its boundaries. This should include the requirement for ecological enhancement within all homes and other structures that form part of the development, in the way of integral bird and bat boxes.

Essex County Council (Highways)

10.122 The Highway Authority has not raised an objection to this application subject to the attachments of planning conditions / s106 obligations to mitigate the impact of this development proposal on the highway networks (in terms of capacity and safety).

Essex County Council (Education)

10.123 The Education Authority has advised that based on the formula set out in Essex County Council’s Developers’ Guide to Infrastructure Contributions (2010 edition adopted as County Supplementary Guidance), a development of this size can be expected to generate the need for up to 156 Early Years & Childcare (EY&C); 480 primary school; 320 secondary school and 64 post-sixteen places.

- 10.124 Over the past few years the number of children living in North Colchester and requiring a school place has begun to rise. Taken with other consented developments in the area, such as the former Severalls Hospital site (up to 1,500 homes), there is no doubt that additional education capacity will be needed.
- 10.125 The planning application makes provision for 9.79 hectares of land for education provision. This is in line with Colchester Borough Council's Core Strategy and its inclusion is welcomed. The site could be used flexibly to provide a new primary school; EY&C provision and additional secondary school places.
- 10.126 To ensure that the proposed education site is fit for use, ECC commissioned a study from WPP Architects and MLM Consulting Engineers. Their conclusion is that the land can be made suitable, subject to a number of conditions being set and pre-transfer site works being carried out by the developer. A copy of their full report will be forwarded to Colchester Borough Council so that the full requirements in respect of school land can be included in the section 106 legal agreement heads of terms. There are also a number of additional standard obligation requirements, such as the provision of access, utilities, top-soil and fencing, which are set out in ECC's Education Contribution Guidelines Supplement. The following specific issues are drawn to the attention of the Local Planning Authority and will need to be included in your report to the planning committee:
- a) Site Levels: Prior to transfer, the land must be rendered level at a consistent gradient of no greater than 1 in 70 across the whole education site. The north-west corner of the site will require particular attention. Care must also be taken to ensure that the vehicular and pedestrian access points indicated on the drawing attached to this letter can be facilitated by the comparative levels of the surrounding development.
 - b) Noise: A noise environment not exceeding 55db LAeq (30min) must be achieved across the whole education site and there should be at least one area suitable for outdoor teaching activities where noise levels are below 50db LAeq (30min). This will require an acoustic barrier (bunds and fences) to be built outside of the education site and maintained by the developer at their expense. Particular attention must be paid to the north east corner of the site where the Nayland Road (A134) drops below the A12. In the absence of noise attenuation measures along the A12 bridge, a fence line/bund approaching nine meters above the A134 may be required. This would require an engineered solution to ensure the necessary structure does not encroach on the education site and, with this in place, it is unclear how the proposed 'leisure route' between the A12 and the education site could connect with the A134. The noise levels achieved will need to be independently verified after construction and any further mitigation work required completed at the developer's expense.
 - c) Public Realm: The planning application as submitted is ambiguous as to the nature of the area between the education land and the community hub. In the interests of pupil safety and to avoid congestion, a traffic free area is required around the pedestrian entrances to the education buildings. A condition requiring the area indicated on the attached drawing is restricted to pedestrians, cyclists and emergency vehicles is thus required. The indicative buildings and entrance points should also be acknowledged and accommodated by the applicants' detailed plans. Suitable points for vehicular 'drop-off' should be provided around the local area so as to disperse 'school run' traffic.

- d) Easements: The surface water drainage strategy for the development requires an easement through the education site. For this to be acceptable, the water must be transported through a buried pipe following a route determined by the layout of education buildings, hard play areas and sports pitches. Connections allowing the education land to drain into this system will be required but neither open ditches or on-site pumped solutions will be acceptable. There is also an existing water main through the education site which could have to be diverted by the developer prior to transfer.
- e) Surveys: Prior to the transfer of the education site the developer will be required to carry out suitable archaeology, ecology, air quality and soil contamination studies and complete any remediation measures identified. Warranties should be granted to ECC for these survey findings and works.
- f) Building Heights: The outline planning application refers to a maximum building height for the education buildings of 10 meters. With 3 meter ceiling heights, a three storey building with pitched roof or lift shaft could breach this and, therefore, a 15 meter limit is considered reasonable.

- 10.127 The actual establishment of any new school, or significant expansion, is subject to the outcome of a statutory consultation. The section 106 agreement should thereby grant ECC an option to take transfer of the land, or parts thereof, at nominal cost (usually £1). The option period should open on the occupation of 100 homes on the site and run for a minimum of ten years or the completion of development if later.
- 10.128 The establishment of education infrastructure on the site is also dependent upon securing sufficient funding and it is ECC's expectation that a section 106 agreement will be entered into that requires the developer to pay a contribution towards the new facilities pro rata to the estimated demand for facilities generated by their development.
- 10.129 Indicative cost estimates for education facilities are provided as part of the WPP/MLM study but these do not signal ECC's intentions with regard to the types or size of facilities that will be proposed. Instead they indicate the potential maximum capacity of the land and a theoretical stand-alone new facility solution. Utilising maximum capacity figures minimise the developer contribution as the development's pupil product as a proportion of the size of project is reduced. Using this pragmatic approach but allowing for some off-site provision (particularly for EY&C) I estimate the appropriate maximum cost of education facilities attributable to this development is £14.6m. A final figure cannot be estimated, however, until the development mix has been decided. Based on a unit mix suggested by the applicant, the figure of £14.6m may reduce by around 12%.
- 10.130 ECC is aware that viability testing is being undertaken to determine the levels of developer contribution that can be afforded. If this exercise demonstrates that the available funding falls significantly short of the amount required, then it is important that Members consider the application, and their priorities for funding, in full knowledge of the impact of their decision. The Planning Committee report should highlight the fact that ECC cannot commit to on-site provision for any age group in the absence of appropriate funding. ECC may instead need to use limited funds on less expensive alternative school expansion projects. At secondary level, in particular, this could require pupils to travel to schools south of the London to Ipswich railway line, which would have an impact on traffic in the area. In this event, a condition preventing the developer from alluding to any on-site education facilities in their marketing materials is requested. Members of the public have in the past felt misled by 'reserved school sites' and the like being referred to, only to find that the facility isn't deliverable.

Highway Agency

- 10.131 The Highway Agency has not raised an objection to this application and has advised that the Secretary of State for Transport directs that conditions (in respect of changes to signing and road marking layout of the A12 westbound off slip to enable traffic to be able to turn left at the top of the slip road from both lanes) are attached to any planning permission which may be granted. A condition has also been recommended in respect of a travel plan.

Natural England

- 10.132 Natural England (NE) has advised that they do not have an objection to this application. They have however provided a commentary which can be summarised as follows:

Designated Sites

- NE do not consider that the proposed development will adversely affect any statutory designated sites, such as Sites of Special Scientific Interest (SSSI). The Essex Wildlife Trust should be consulted on the possible impacts to locally designated sites.

Green Infrastructure

- NE welcomes the green infrastructure provision within the proposed development.
- The Council's strategic plans set the framework for green infrastructure provision at this site, in particular the Colchester Green Infrastructure strategy. Three projects are identified: the A12 Greening Project; the North Colchester Growth Area green space; and the multi-user route linking Little Braiswick with High Woods Country Park
- The SPD identifies that a Green Infrastructure strategy will need to be prepared and submitted as part of the development process. This does not appear to have been submitted.
- The above projects should be appropriately funded by developer contributions.
- NE consider that the overall provision of open space is appropriate for the size of the proposed development site (37ha of a total 104ha =35%).
- The submission does identify some good GI opportunities, such as allotments and community orchards. Further work should be done to scope the biodiversity opportunities at this site including contributions towards local Biodiversity Action Plan habitats. A BAP audit would therefore form a useful component to the GI strategy.
- As requested by the SPD, a Green Infrastructure strategy should be produced for this site, to ensure that it fulfils its potential, is truly multi-functional, and strategic in its approach. This could be secured by way of a suitably worded planning condition. The planning authority may also wish to secure the quantum of green infrastructure within a s106 agreement.

Protected Species

- NE agree that *overall* the proposed development site is of generally low ecological interest and value, and that the emphasis at this location generally should be one of biodiversity enhancement rather than conservation.

- NE express concern that surveys undertaken are not consistent with best practise: the survey methodology for great crested newts (the core survey season was missed), bats (the activity survey was notably late), and consider the surveys for breeding birds, winter birds, and reptiles to be sub-optimal.

10.133 In subsequent correspondence, Natural England has provided further advice in respect of the ecological survey work undertaken as a part of this application. These comments are set out below:

- Natural England previously commented, regarding the ecological advisory note, that there do not appear to be severe ecological constraints regarding the site and focus should lie on habitat creation. Concern was however expressed that (notwithstanding an overall low ecological value of the site) several surveys undertaken are not in-line with best practice and consequently do not lend confidence to the conclusions of the Ecological Impact Assessment. Natural England raised particularly concern about the survey methodology.

Great Crested Newts

- Timing: The surveys were carried out late in the season. However, DLA gives reasons for these delayed surveys: the below average rainfall throughout March, April and much of May. I consider this an appropriate response to the local conditions.
- Method: In accordance with Natural England guidance, 4 visits and three different methods were used. Natural England has no concerns with this survey method.
- Locations surveyed: 4 ponds were identified outside the application site with amphibian potential. Several locations within the applications site were considered to have low potential. The first DLA response suggests that only the four ponds off-site, with the highest potential for amphibians, were surveyed using the multiple visit mixed use method (4.51). However, DLA 2nd response indicates that all on-site and off-site ponds were surveyed with multiple visits mixed techniques (2.20). NE has no concerns with the approach described in DLA 2nd response.
- Overall the great crested newt survey is considered adequate to establish presence/absence. It should be noted that further GCN surveys or updates may be required during the course of this development (for example if an application for a license would be considered necessary)

Birds

- A breeding bird survey was carried out between mid-May and July. This is not in accordance with best practice guidance. The bird survey is considered sub optimal. Natural England does not support the overall approach taken in respect of bird surveys, but acknowledges that a possible under recording is unlikely to have significantly influenced the conclusions in the environmental statement.

Reptiles

- DLA's first response provides additional information and further justification with regards to the reptile surveys undertaken. Given the low potential of large parts of

the development site for reptiles, Natural England has no concerns with the focus of the surveys efforts on localised habitats across the site.

Bats

- Natural England supports the overall approach to retain trees and hedgerows, and agrees that this would avoid and mitigate impacts on potential roosts. This means that a full roost survey is not required at this stage. Nonetheless roost surveys should be carried out at a later stage, where relevant trees or hedgerows would be affected.
- Natural England notes that there are certain similarities between the St Austell appeal case APP/D0840/A/10/2130022 (referred to by the applicant) and the NGAUE. Paragraph 39 of the Inspector's report in the St Austell's case noted that "there is no dispute that an appropriate level of survey work... has been undertaken". In the NGAUE application there is disagreement as regards to the survey methodology.
- Natural England note that this the NGAUE will be a phased development and that it is intended to carry out further ecological survey work ahead of each phase. Natural England considers that the requirement to undertake additional ecological survey works prior to each phase being developed and for this to inform the design to constitute a reasonable approach. Natural England do however comment that there would be concern if the same levels of survey effort was employed for these future surveys, as this would only perpetuate the inadequacies of the submitted reports.

Anglian Water

10.134 Anglian Water (AW) has confirmed that it does not wish to raise an objection to this application subject to the attachment of conditions. Anglian Water has also provided the following commentary in respect of this application:

- AW note that the foul drainage from this development is in the catchment of Colchester and, at present, there is sufficient capacity.
- With regard to the Foul Sewerage Network, AW has advised that the development will lead to an unacceptable risk of flooding downstream. AW note that a drainage strategy is currently being prepared following discussions with the developer to mitigate this risk. The drainage strategy that is being formulated for the site will cover the procurement of the improvement works. It is requested that a condition is attached requiring a drainage strategy for this site to be submitted for approval.
- AW has noted that the application includes a surface water strategy/flood risk assessment and that this is not relevant to Anglian Water as it falls outside their jurisdiction for comment. AW has however requested a surface water strategy is conditioned in any planning approval.
- Anglian Water has advised that they have 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. Anglian Water has

requested that an informative is added should the Council be minded to grant consent.

Environment Agency

10.135 The Environment Agency (EA) has confirmed that they have no objection to the development proposal. They have however made the following comments for consideration by the Council:

Flood Risk

- The site lies in Flood Zone 1 which is the area of low flood risk probability.
- The submitted Flood Risk Assessment (FRA) and conceptual surface water drainage strategy demonstrate that it is practically feasible to design a scheme to manage the changes in site surface water run-off characteristics associated with the proposed development.
- The EA is satisfied that the proposed development could be allowed in principle, it will however be necessary to provide further detailed information to ensure that the proposed development can go ahead without posing an unacceptable flood risk; appropriate conditions will need to be attached to cover this.
- A scheme to ensure that adequate arrangements for mitigation of off-site foul water systems should be agreed with Anglian Water prior to the future occupation of this development. This is because the flood risk assessment shows that, without off-site enhancements to the existing combined sewer network outside of the site there will be an increased risk of more frequent foul water flooding in the vicinity of the site as a result of the development.
- The EA is largely supportive of the retention of both Chesterwell Woods and many of the existing hedgerows. The substantial green infrastructure network around the development site areas is welcomed however this network is rather peripheral in the form taken. Some of the larger residential areas should be broken-up with greater green connectivity.
- The road links through the residential areas across the entire development site should be in the form of tree-lined avenues which will enhance the appearance and raise the local amenity value.

10.136 As this is an outline application there is the opportunity, through the reserved matters/conditions process, to provide for and incorporate detailed designs in relation to water, energy and resource efficiency measures that pick up on the comments made by us under the headings of Sustainable Design and Construction, Climate Change Adaptation, and Water Sensitive Urban Design. There is of course a degree of overlap across these headings. The EA recommend that a condition is appended to any planning permission granted to cover this. Paragraphs 93 and 96 of the National Planning Policy Framework as well as Policy ER1 Energy, Resources, Waste, Water and Recycling in the Colchester Core Strategy DPD Adopted December 2008 provide support for the above recommended condition.

Sustainability

- Due to water pressures in the region we consider it is particularly important that water efficiency measures are incorporated into this scheme.

- The proposed development should also seek to minimise the use of resources and the production of waste by incorporating, for example, passive systems using natural light, air movement and thermal mass, as well as using energy produced from renewable sources.
- The developer should consider how they will incorporate recycled/recovered materials into the building programme, including the use of secondary and recycled aggregates, and re-use of any on-site demolition waste.
- The design of the development can also influence the ability of residents to be able to recycle their waste and we would suggest that designs incorporate facilities to aid in this, especially in multiple-occupancy buildings.
- Sustainable drainage techniques for non-residential development such as schools and retail centres and the use of green roofs should be incorporated.

NHS North Essex

10.137 The NHS North Essex have made the following comments in respect of this application submission:

- The population growth associated with the proposed new housing will lead to a significant increase in demand for local health services and, in particular, for GP services. This will mean that the local NHS will need to increase both staff numbers and surgery space. An extra 2.29 full-time equivalent GPs and 121 sq.ms of surgery space will be required to meet the extra demand resulting from a population growth of 4000. (All figures based on Department of Health guidance)
- There are currently no rooms at the Primary Care Centre available or suitable for accommodating the extra doctors or the other healthcare services that will be required. Meeting the additional need will involve the reconfiguration and adaptation of existing building space to provide additional consulting rooms suitable for clinical purposes. NHS England and North East Essex CCG will face a significant increase in demand for their services in North Colchester as a result of this development. All ongoing revenue costs, including those for the additional GPs and other staff, will be met from NHS budgets.
- The most appropriate solution is to expand the GP practice facilities available at the Primary Care Centre (PCC) in Turner Road. This would make the most cost-effective use of limited resources as well as enabling new and current residents to access the wide range of services
- A contribution of £241,177 is requested. This figure is calculated using a recognised NHS formula and the figures for the population growth associated with this development only, not taking into account any other local population growth.

Sport England

10.138 Sport England comments in respect of this application can be summarised as follows:

- The application does not affect any existing playing fields and therefore their consultation is not statutory. The application does fall within the definition of major housing development that Sport England should be consulted on.

10.139 Outdoor Sports Facilities- Quantity

- The development proposes a total of 5.70 hectares of formal open space specifically for outdoor sport which would be sited on two areas.
- The level of provision proposed would meet the recommended minimum standard which is welcomed / supported.
- The Planning Statement notes that area OSF1 may either accommodate playing pitches or other appropriate uses. There is no objection to this area accommodating other types of outdoor sports use if this was responsive to local needs, this land should not be used for alternative uses
- Sport England recommends that outdoor sport provision is secured through planning conditions / s106 obligations.
- Sport England would advocate that the range of pitches provided in practice should be responsive to local needs identified when a more detailed (reserved matters) scheme is prepared at a later date.
- In terms of playing pitches, both of the areas identified may offer potential for sports such as football or cricket. I have consulted the England & Wales Cricket Board (ECB) who have confirmed that the development would generate demand for additional cricket pitches due to existing pitches in this area currently operating at capacity and are of the view that at least two additional pitches are required for meeting these needs. The ECB have raised the potential concern that the areas proposed for outdoor sport may not be large enough for accommodating senior cricket pitches (including outfield) due to their long and narrow nature especially area OSF1. Due to the need to accommodate additional cricket facilities it is important that it is checked that there will be sufficient space on both areas for accommodating cricket in order to ensure that both areas are sufficiently flexible for meeting a range of community playing pitch needs.
- In terms of rugby, as Colchester RFC is the only rugby club in this area, additional demand generated by growth is likely to be placed solely on the club's facilities which are currently inadequate for meeting existing demand. To address this, the RFU have advised that satellite club facilities could be created as part of one of the new outdoor sports areas proposed within the development or through financial contributions being made for enhancing and extending facilities at Colchester RFC's nearby ground especially the changing facilities. Discussions should therefore take place with Colchester Rugby Club on how the development should best provide for the additional rugby union demands that the development will generate. If a financial contribution was secured as an alternative to making on-site provision, this could be secured through a planning obligation and the financial contribution paid initially to the Council.
- The proposals for making outdoor sports provision are therefore broadly supported in terms of the quantity and range of facilities proposed for meeting the additional needs generated by the development. However, before these elements are finalised, it is requested that the proposals are reviewed in the context of the points identified above in order to ensure that the facilities provided are appropriate for addressing the needs of the new community. Any planning permission should make provision for all of the on-site and (if applicable) financial contributions to be secured through a planning obligation and for full details of the proposals to be submitted at reserved matters stage.

10.140 Outdoor Sports Facilities – Location, Siting and Layout

- The location of the proposed OSF2 outdoor sports area is welcomed as it would represent an extension to the Mile End Recreation Ground which currently provides a range of playing pitches that serve north Colchester.
- In relation to area OSF1, while its location is more peripheral to the development and the existing urban area, no objection is made to the principle of this location. The parameter plans indicate that access to this area may be through a proposed residential area (R2). As outdoor sports facilities generate traffic and parking requirements, consideration will need to be given to these matters in the detailed design and layout of this part of the development to avoid potential residential amenity issues being created.

10.141 Outdoor Sports Facilities – Quality

- There do not appear to be any physical constraints that would prevent the sites of the proposed outdoor sports facilities from being satisfactorily developed for playing field use.
- It is likely to be necessary for measures such as the introduction of a pitch drainage system and appropriate ground levelling and surface preparation to take place in order to facilitate suitable quality playing pitches. A planning condition should therefore be imposed requiring a ground conditions assessment to be undertaken to assess the ground conditions of the site.
- A related sports pitch specification will need to be prepared based on the assessment which will set out how the site will be prepared and designed for playing pitch use.
- It is expected that the design of the playing pitches, in terms of dimensions, orientation, drainage measures etc, to accord with “Natural Turf for Sport. The FA and ECB have requested that the football and cricket pitches provided are designed to meet their relevant technical guidance and standards such as the FA’s Performance Quality Standard.
- The proposed outdoor sports facilities will necessitate ancillary facilities such as a pavilion/clubhouse for changing rooms, equipment storage etc. the OSF2 area is located adjacent to the community building which is welcomed. The community building will need to be secured in a planning obligation. Sport England would also request that a planning condition be imposed on any outline planning permission requiring the detailed siting and design of the ancillary facilities to be submitted and approved by the Council in order to ensure that they are appropriate for meeting the needs of the formal open space
- Sport England would also recommend that a condition be imposed requiring the facilities to be designed in accordance with Sport England’s relevant design guidance (such as Pavilions and Clubhouses), which can also be downloaded from Sport England website.
- No reference has been made to whether area OSF1 would be supported by appropriate ancillary facilities. It is essential that such facilities are provided to ensure that the playing pitches/courts are fit for purpose
- Sport England state that they have no objection in principle to the proposals in relation to the quality of the proposed outdoor sports facilities subject to the issues set out above.

10.142 Indoor Sports Facilities

- The development will create significant additional demand for indoor sports facilities
- Colchester Borough Council PPG17 Open Space, Sport and Recreation Study (2008) assessed indoor sports facility needs and identified deficiencies for a range of facilities including swimming pools, sports halls and indoor tennis. There is thus a robust basis for justifying on-site or off-site indoor sports facility provision.
- Colchester Borough Council and other local stakeholders identify the scale, location and nature of indoor sports facility provision and whether provision should be made on-site or off-site.
- It has been noted that the proposed 'Community Hub' building would be designed to accommodate a sports hall suitable for badminton and other sports. This may be a most appropriate response to meeting some of the additional indoor sports facility needs of the proposed development as it would offer the flexibility to be used for sport and other community needs which would be efficient from both a capital and management cost perspective.
- The provision of a small sports hall as part of a community hub building may be an appropriate proposal for meeting some of the development's needs, a general disadvantage of such facilities is that their size does restrict the potential for a range of sports to be accommodated.
- In addition, a sports hall provided as part of a community hub could only meet some of the indoor sports facility needs generated by the development as it would not be able to meet needs for swimming pool or indoor tennis provision. An alternative, to meet these needs, consideration could be given to securing financial contributions which could be used towards implementing off-site strategic indoor sports facility projects at alternative sites in Colchester.
- A further consideration is that if the potential secondary school is implemented as part of the development, this would usually be expected to incorporate dual use indoor sports facilities which may include facilities such as sports hall, fitness suite and dance studio. It will be important that consideration is given to this matter to avoid potential duplication of facility provision.
- If a sports hall is to be provided as part of the community hub, the planning permission should make provision for full details to be submitted and approved at the reserved matters stage to ensure that the design and layout of the facility is fit for purpose.
- An objection is made due to the lack of detail provided about how the development would make provision for indoor sports facilities generated by this development. The approach to making indoor sport facility provision should be discussed and agreed with Colchester Borough Council and other stakeholders before the planning application is determined.

10.143 Schools

- The proposed primary school and the potential secondary school would be expected to offer potential dual use sports facilities.
- To ensure that the schools' sports facilities are secured for community use this should be secured through a planning obligation makes provision for securing the provided on the school sites. Without this there would be no certainty that the facilities would be accessible to the community.

- Any planning permission should also make provision for full details of the design and layout of the school sports facilities to be submitted as part of reserved matters applications.

10.144 Management and Maintenance of Sports Facilities

- It will be important to secure all of the agreed sports facilities proposed together with arrangements for their future maintenance and long-term management through a planning obligation.
- Sport England would recommend that maintenance for sports facilities is secured for at least a 10 year period, although a longer period would be supported if this could be locally justified.
- As only limited details have been provided Sport England would request that any planning permission makes provision for the submission and approval of a detailed scheme for the future maintenance and management of the on-site sports facilities prior to the commencement of the development of these facilities.

10.145 Phasing of Sports Facilities

- Sport England broadly supports the indicative proposals for the phasing of the development as this should ensure that the proposed sports facilities are provided during Phases 1 and 3 of the development
- Sport England recommend that a detailed phasing scheme is secured through a planning obligation or condition.

10.146 Active Design

- The principles of Active Design have been integrated into the design and layout of the development which should help encourage residents to have more active and healthier lifestyles.

Secretary of State for Communities and Local Government

10.147 The Council has been advised the following:

In exercise of his powers under Article of Town and Country Planning (Development Management Procedure) Order 2010, the Secretary of State directs that the Council can not grant permission on this application without specific authorisation. This direction is issued to enable him to consider whether he should direct under section 77 of the Town and Country Planning Act 1990 that the application should be referred to him for determination. This direction does not prevent the Local Planning Authority from considering the application, forming a view as its merits or, if they are so minded, refusing permission

Essex Fire & Rescue Service

10.148 Makes recommendations on the installation of fire hydrants.

North East Essex Badgers Trust

10.149 The Trust notes that there is an established set in the northern part of the site and evidence that badger use the southern part of the site. The Trust draw attention to the fact that badgers are a protected species and a licence is required for their disturbance.

Other consultations

10.150 The Essex Wildlife Trust, RPSB, The Rambler Association, Essex Police were consulted were sent a consultation letters in respect of this application but have not made any representations on this application.

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

11.0 Parish Council Responses

Myland Parish Council

11.1 Myland Community Council (MCC) comments on this application can be summarised as follows:

Planning Comments

11.2 On the basis of legal advice received, independent specialist transport advice and unprecedented levels of public objection being raised, MCC is compelled to object to this Application.

11.3 In particular:

1. Although required to, CBC have failed to evidence the case for the Application site to be brought forward from 2021 to 2016 and thus failed to provide good reason why this greenfield site should take precedence over available brownfield sites. Furthermore, the Application itself does not provide any detailed analysis to support development earlier than first anticipated, i.e. 2021 – 2023.
2. The North Colchester Transport Strategy (NCTS) is demonstrably and inextricably linked with development of the Application site. Therefore, as the NCTS remains unfit for purpose and un-adopted the Application cannot be considered in isolation to the wider locality. Furthermore, independent analysis reveals numerous shortcomings in the Application Transport Assessment rendering this key element of the Application seriously flawed.
3. Issues surrounding community health due to loss of a valuable amenity land and local impact concerns over air pollution, surface water and foul sewerage flooding render the site unsustainable in these respects.

11.4 Issues 2 and 3 above are considered to be so fundamental that they should not be deferred to Reserved Matters and need evidenced resolution prior to consideration of this Application.

- 11.5 Consequently, the only rational action available to CBC is to remove the site from the CBC Site Allocations DPD. Following this action, CBC should work with MCC to declare the site a 'Local Green Space' (See NPPF Para's 76 & 77) to preserve it for the community.
- 11.6 If the above action is at variance with CBC's legal obligations under the Core Strategy, a reasonable action would be for the Application to be declined or deferred until the Severalls Phase 2 development is complete and its impact on housing demand and the North Colchester traffic/transport infrastructure has been considered as part of a future Core Strategy review/Local Plan production.
- 11.7 In addition to the above comments, MCC have made the following observations:
- This development forms part of the adopted Core Strategy which remains unchanged since 2007, despite the recession and on-going economic stagnation. It also impacts on the wider North Colchester community. The review of the Strategy which is due to commence should be completed prior to this or any further development applications being considered. Moreover, there is no agreement yet to the emerging neighbourhood plan. There has been no joint working and there has been no opportunity for local people to shape their surroundings.
 - The requirement of 1,600 homes on greenfield land in Myland should be transferred to the proposed West Tey village development.
 - MCC has embarked on a 'creative exercise' which has three strands, the Myland Design Statement (MDS), the Parish Plan and the Neighbourhood Plan. The first two are complete and have been adopted by CBC. The latter is in production and has been grant-funded by Government as Myland is a Neighbourhood Plan Frontrunner. These three strands evidence 'localism' in action. Each of them has utilised through surveys and presentations the opinions and aspirations of the Myland community. More recently CBC commissioned Essex University to undertake an independent 'community engagement' project to garner how residents feel about Myland. The University report executive summary reported the key points arising as:
 1. Residents like most, the access to natural green space such as High Woods Country Park and especially the Chesterwell Wood area (the Application site);
 2. Residents believe that housing development in their community has reached saturation point;
 3. Residents know that the transport infrastructure is inadequate and are unable to support more growth in Myland.
 - MCC and its residents have been creative in deciding the environment in which they wish to live. The Application denies this core planning principle.
 - A specific problem exists with a portion of the site where its ground level is elevated higher than existing properties on Mile End Road which would be over looked. This would be contrary to providing an enhanced and improved place to live for some current residents. The Application would remove an existing 'good standard of amenity'
 - MCC observes that the Core Strategy is predicated on the basis that for the North Colchester growth area it will "co-ordinate housing and employment development with the delivery of transport infrastructure, community facilities and open space." MCC has previously requested a comprehensive retail SPD for North Colchester before decisions are reached on individual development sites. In the absence of

such a study and there being no independent retail impact analysis with the Application, the proposed size retail centre envisaged for the Application site is be inappropriate.

- The application will result in increase the potential for flooding. Full details of evidenced effective mitigation measures must be available for scrutiny prior to any planning application being granted and not deferred to Reserved Matters. It is essential that firm guarantees are published explaining how mitigation measures will prevent flooding at the Golden Dawn Way culvert. This must be prior to any decision on the Application and not deferred to Reserved Matters. Reassurance should be provided that under current conditions the Golden Dawn Way culvert is adequately sized and maintained. A guarantee is required that any culverts found to be in poor condition will be repaired and subject to future maintenance arrangements.
- It is necessary to demonstrate that brownfield site development is not prejudiced (for example Severalls Hospital). No case has been made for this site being developed in advance of other available brown-field sites. The application is thus contrary to CBC and NPPF brownfield land policies.
- The MCC suggestion at para. 3.7 of its paper *A Stark Reality* is therefore reiterated, i.e. the Application site “is removed from the Site Allocations DPD or at least until the Northfields and Severalls site developments are complete and assured of full occupancy.”
- MCC is deeply concerned at the failings of the Ecology Assessment. The lack of care in correctly mapping Red List species and serious short-comings in methodology undermines the reliability of the Ecology report, especially when compared to local records. An explanation is required as to why these are not also identified as warranting further investigation prior to development. The contextual environment of these sites should be fully examined prior to development.
- MCC urges CBC to declare the site ‘Local Green Space’ as suggested in Para’s 76 and 77 of the NPPF and hence retain this valuable community health and well-being amenity
- The application will increase pollution. Receptor data should be provided that confirms whether or not the North Station area warrants AQMA status, including an indication, if currently negative, of what level of air pollution would take the North Station site into AQMA status. This should be resolved prior to deciding on the Application and not deferred to Reserved Matters.
- The application fails to conserve heritage assets.
- CBC’s aims for affordable housing under the current regime is unattainable and should not therefore be used as a criteria for advancing greenfield development
- The submitted transport assessment is seriously flawed. The situation remains that an effective traffic infrastructure supporting the Core Strategy predication has yet to be delivered. With this situation prevailing the NPPF Paragraph 29 statement cannot be met. This situation remains too serious to be allowed to be deferred to Reserved Matters. No approval can be given until all traffic infrastructure solutions and funding are guaranteed with associated effective timescales of delivery. The collective impact of the flaws in the Application Transport Assessment, the view that the Transport Chapter of the Environmental Statement has not been properly prepared and the number of questions arising are further conclusive evidence that the Application is non-sustainable in transport and related infrastructure terms.
- The NPPF, para.52 suggests that dedicated development villages are a solution to significant housing needs. The envisaged West Tey village of 7,500 new homes would offer a viable alternative solution to the Myland site without the associated

severe traffic issues and within the same timelines as originally proposed for the Myland site, i.e. post 2021 and resultant under capacity of the NAR this core planning principle cannot be met.

- The Core Strategy should not be considered up-to-date until a local review has taken place.
- There is a contradiction between the comments from the Highway Agency that the impact of the development is not material on the trunk road network; the NCTS states that in capacity terms it is generally acknowledged that an additional lane on the A12 is required.
- The transport model underestimates the traffic impacts by 23%.
- There is an absence of details over the timelines for highway works; the NPPF states that infrastructure should be planned in a timely fashion.
- The model does not take into account the Horkesley Park development.
- The development can not be considered in isolation from its impacts on the local community, in particular its impact on the North Colchester traffic infrastructure.

S106 Contributions

11.8 MCC has prepared its view on community benefits considered essential should the NGAUE site be developed. This view has been prepared based on extensive local research carried out in recent years by MCC and community benefits identified in CBC's North Colchester Growth Area Supplementary Planning Document (SPD). The latter was adopted by CBC at the Local Plan Committee in June 2012.

11.9 The community benefits identified by MCC are summarised below:

11.10 Community Social Focus

- The envisaged population of the NGAUE development would be entitled under CBC policy to a '0.75m² per dwelling' community facility. This means that a 1,600 – possibly rising to 1,800 – development will have a minimum requirement for a 1,350m² facility for community activities, plus 300-700m² for sports facilities. MCC would wish to see this facility incorporate the MCC office with an adequately sized meeting room. It is expected therefore that the community facility would have to be more than 2,000sqm.
- MCC would expect this to be an early provision, e.g. around the 100th house start.
- Associated with this would be sport and recreation activities, play facilities and an outdoor gym. An integrated park and garden is also envisaged. The garden should include raised beds and benches and have provision of maintenance funds for a number of years.
- It is assumed that the new facility would be sited adjacent to the Mile End Sports Field changing rooms and that the associated sports, park and garden elements would be located immediately to the south of this.
- This is regarded as a PRIORITY 1 requirement.

11.11 Green Space and Bio-diversity

- The development of this site represents a serious loss of open green space in North Colchester and the habitat that goes with it. As a consequence there is significant impact on biodiversity, conservation and natural history generally. It is essential that

what would remain is afforded appropriate protection and management to conserve, enhance and enable education of biodiversity.

- Areas to the north and south of the site should integrate the SuDS holding lakes with appropriate wildlife habitats that have received informed advice on how best to achieve optimum benefits, e.g. from Essex Wildlife Trust. This action should include protection of the area affording the bee orchid colony the chance to recover and then remain protected.
- These sites should be managed as small local nature reserves that can cater for recreational and educational access without disruption/destruction of habitats.

11.12 Access and Connectivity

- It is essential in MCC's eyes that the site should physically integrate with the existing Myland community and where possible beyond. MCC fully expects existing footpaths to be afforded legislated protection.
- To promote access to the area of social focus referred to above and to enhance links between the existing village core to the new site, a pedestrian, tree-lined avenue linking St Michaels Church and Halls to the new facility should also be provided.
- Footpath 39 that has hitherto been blocked by the construction of the A12 trunk road, should have a non-vehicular bridge across the A12 to enable the footpath to be fully walked and to reinstate its links to the Essex Way which itself forms part of a European path.
- A footpath link from Boxted Road to Footpath 39 should be enabled to allow linkages to and from the Severalls development and other footpath networks.

11.13 Education and Social Provision

- MCC notes the intention that the site should provide primary and secondary education on the site. It should be recognised that community needs extend beyond these two aspects of social provision. Further requirements exist.
- For the younger members of the community serviced land for nursery/pre-school children should be provided.
- For the community's senior members serviced land for a day centre should be provided. Extra-care housing for local elderly residents should also be available.
- There should also be provision for adult education facilities.
- MCC acknowledges that the site SPD includes general statements about education, early years and childcare, specialist housing and that positive consideration should be given to the need to accommodate the needs of all members of society. This latter comment is important because the SPD contains no specific references to the needs of the elderly which will be a growing demand on sustainable communities.

11.14 Landscape and Environmental Economy

- MCC would wish to see full use made of opportunities to make economic environmental use of the landscape.
- Allotment, preferably more than that required under current CBC urban policy, is required to promote self-grow sustainability.
- MCC would also wish to see consideration given to local landscape management and recycling facilities on-site to promote local fuel sources.

11.15 Street and Environmental Furniture

- MCC would wish to see the provision of facilities such as; litter bins; dog bins; notice boards; bus shelters; benches, salt bins.

Transportation Comments (by Royal HaskoningDHV (RHDHV) for MCC)

11.16 Vectos has sought to address issues raised by RHDHV in relation to the NGAUE development,. While the additional information submitted adequately addressed some issues, there are areas where further information is required and these are summarised below:

11.17 Development Plan Policy Position

- We are of the view that the policy position is such that the extent and timing of off-site highway works, to be delivered in association with the planning application, should be known at planning determination.
- An exercise should be undertaken to support the detailed design of the highway works, to ensure that the historic traffic survey data used in the preparation of traffic models remains valid.

11.18 Background Transport Data

- We remain interested to understand whether the infrastructure referred to in adopted Local Development Framework documents (Site Allocations Plan - October 2012 and the North Colchester Growth Area supplementary Planning Document – June 2012) is assumed to form part of the transport infrastructure within the area-wide traffic model. An understanding of what is contained in the base model is clearly important in order to understand the validity of the subsequent model outcomes.
- The routing of significant traffic volumes through the Severalls Hospital development must conflict with the development aspirations for this site. Mouchel should respond on this issue and identify the implications of applying a 20mph speed restriction to the eastwest route, in order to understand if traffic has been artificially removed from this link. Alternatively, if Mouchel consider this to be an anomaly within the traffic model, they should justify their position. Currently, the level of demand shown to route through the Severalls development is inappropriate.

11.19 Vehicular Access

- With regard to properties which are impacted on by the development and which are currently accessed from Nayland Road, we welcome the statement which says *“it is recommended that an appropriate condition is attached to any planning consent that requires an approved access scheme to be developed.”*
- It is accepted that the sole access from the northern end of the site is consistent with adopted policy.

11.20 Modal Shift

- It remains unclear what proposals are included in the area-wide traffic model produced by Mouchel and how modal shift is proposed to be achieved. We recognise

that for scenarios 1 to 6 no *extraordinary* modal shift has been allowed for. The traffic attraction rates utilised in the document are not contested.

- It is accepted that the Bus strategy will be secured by either planning Condition or Obligation.

11.21 Multi-modal Assessment

- A multi-modal assessment has been undertaken by Vectos and the conclusions drawn from the Vectos multi-modal assessment are not disputed.

11.22 Food Retail Development

- It is accepted that Vectos have assessed the correct foodstore floor size within their Transport Assessment.
- Vectos' statement regarding the type of trips undertaken to the store at peak times is accepted.

11.23 Car Parking

- It is accepted that details relating to car parking provision will be the subject of reserved matter planning submissions and that a Car Park Management Plan, secured by Condition or Obligation would be appropriate for the neighbourhood centre.

11.24 Station Junctions and Associated Improvements

- While it is understood that discussions are on-going with ECC in relation to the final form and timing of highway mitigation measures, RHDHV highlight the requirements of locally adopted planning policy, with specific reference to the content of Local Development Framework – Site Allocations Development Plan (2010) – policy SA NGA5, and the North Colchester Growth Area Supplementary Planning Document (June 2012). Both documents provide a list of infrastructure improvements required to release greenfield land for development and which are “*deemed necessary to enable new development to be integrated into the existing highway network*”.

11.25 Travel Planning

- It is agreed that a planning condition can be used to secure an appropriate Travel Plan in association with each element of the development proposal, including the proposed foodstore.

11.26 Environmental Statement

- RHDHV does not make reference to the methodology defined in the document ‘*Guidelines for the Environmental Assessment of Road Traffic*’, published by the Institute of Environmental Management and Assessment (IEMA), formerly the Institute of Environmental Assessment.

11.27 Further comments on the transportation implications of this application were made by RHDHV in a letter dated 26 February 2013. These are summarised below:

11.28 School Trip Generation/Distribution

- My view is that either school trips are internal to the development (i.e. directly associated with NGAUE), or will be on the highway in any event, travelling to an alternative location. While the ECC document makes reference to internal trips, no reference is made to where school trips from other (existing and proposed) residential areas would otherwise go. Certainly, there will be an element of robustness in all assessments unless a discount is made for the net change in traffic movements locally, as a result of a redistribution of school trips. For this reason I am of the view that education trips are unlikely to have a significant impact on the external highway.

11.29 Junction Assessments

- I agree with ECC that the 'flat profile' used in the Vectos junction assessments is acceptable. Given the data presented, RHDHV would have presented our traffic models in this way.
- A12 Junction 28 / NAR3 North and South Dumbbell Roundabouts - Agree with ECC's position - no issue. NAR / Axial Way I United Way Roundabout - Agree with ECC's position - no issue.
- NAR / Boxted Road Link - it is unlikely that school trips will have a material impact on this junction and therefore there is no issue here.
- NAR / Mill Road - Agree with ECC that model corrections should be considered, but again do not perceive school trip to be an issue.
- NAR / Turner Road / Bruff Close - If Scenario 7 flows are lower than Scenario 6 at this location, I agree with ECC that there is no need to model the lower traffic volumes.
- North Station Junctions - I agree that if it is ECC's experience that the base traffic model does not reflect reality, some model calibration is required. The issue here is if the base (existing scenario) traffic model provides an output that does not reflect reality, modelling future scenarios will also not reflect reality. It is common for Royal HaskoningDHV to validate traffic models as has been suggested by ECC officers. On this basis we would expect Vectos to revisit their traffic model for the North Station Junctions.
- Essex Hall Roundabout - The issue of a 'Hurry Call' is probably a minor point, but could legitimately be incorporated into the traffic model. With regard to the pedestrian crossing, the need for this could be determined by what is referred to as a PV2 calculation, which makes reference to traffic volumes and the anticipated number of pedestrian movements to determine whether a signal controlled pedestrian crossing is required. Given that the crossing in question is on a bus lane, I anticipate that if this calculation was undertaken it would conclude that a traffic signal controlled pedestrian crossing would not be required.
- Albert Road Roundabout - The 'flat profile' of traffic is accepted.
- Colne Bank Roundabout - It is agreed that the traffic model should be validated against observed queue lengths, and as such Vectos should revisit this.

11.30 Junction Assessments - Site Access

- Nayland Road / Boxted Road - Agree with ECC's position, no issues to raise.
- Boxted Road / Severalls Hospital / Eastern Access Road - No issues raised in association with junction capacity, however there is a concern that increasing the

scale of this junction could act to encourage traffic to route through the Severalls Hospital development, which as Mouchel have already indicated in their model results, could become a significant problem.

- Eastern Access Road / A134 Nayland Road Diversion - No reason to disagree with ECC's view, which is that the model is satisfactory.
- Primary Street / A134 Nayland Road Diversion - ECC reserve judgement on the junction's future performance, however, given school trips are unlikely to have as significant an impact as indicated by ECC, it is likely that judgement will fall on the side that this will operate satisfactorily.
- Residential Site Accesses - Agree with ECC, no junction capacity issues are anticipated.

11.31 Link Capacity Analysis

- Generally speaking, we would expect junctions to provide the capacity constraint in built up areas such as this. If Vectos are able to demonstrate that the junctions work adequately, then I would not anticipate an issue with link flows.

11.32 Heavy Goods Vehicle Access

- No issues raised by ECC and none anticipated.

11.33 MCC has submitted two further representations (received on 9 September 2013) covering transportation and retail issues. Their comments are summarised below:

Transportation

11.34 MCC comment that, subject to seven issues which should be addressed as a part of reserved matters submissions the proposed on-site and immediate highway solutions are acceptable to the Community Council. The seven issues requiring resolution are:

i. Dangerous bend on Primary Street

The proposed Spine Road bend along/across Braiswick Lane is dangerous and requires some land protected from the community by Fields in Trust. MCC believes the road layout is very dangerous and will create a bottleneck which if blocked would prevent free access by large emergency vehicles.

ii. Commuter cycleway

Over the last four years, MCC has requested a dedicated and lit 2m wide cycleway, from the Stadium through to the Station. It is unacceptable that this one major opportunity to provide a high standard dedicated route has been missed. MCC is very disappointed that ECCH has, in its suggested conditions, only requested a standard urban dual use space. MCC insist that a fenced dedicated lit 2m wide cycle corridor is provided by the NGAUE developers between Braiswick Lane, Tuffnell Way on to the Station.

iii. Land to rear of houses on Bergholt Road as a cycle route

There is a major conflict in regard to the proposed commuter cycle path using an un-adopted private road to the rear of houses on Bergholt Road. This lane has been used for parking for over 20 years by residents. A legal arrangement must be made

with these residents to manage this situation or a different access route will have to be found.

iv. Braiswick Lane

This NGAUE planning application cannot be approved until at least one solution and/or compensation to the landowners of Braiswick Lane are presented and formally agreed by CBC and the developers

v. Plaza Area

MCC requests the joint management /' access of this space, The Developers must provide assurance by making a formal undertaking in this respect or alternatively, provide another such accessible space, on their land adjacent to the community hub.

vi. Culvert and Bridge over A134

The Green Infrastructure Strategy for the NGAUE requires a wildlife corridor from Braiswick Golf Course through to Highwoods County Park, via Tower Lane. The Developers have indicated a green corridor along the northern (A12) boundary of the site. However no means have been shown, nor specified as to how both large and small wild animals will be able to safely cross the A134.

vii. Footbridge / Bridleway over the A12

The need for a foot/cycle/bridleway bridge over the A12 so that the existing footpath can safely be connected to the Essex Way is acknowledged. MCC understands this is now priority 2 on the A12 crossing list. On the Planning Application drawings, no land is identified for transfer to the Highways Agency for bridge supports nor is any indication given as to the likely sources of funding for this item.

MCC requests clear conditions are imposed by the LPA to instruct that these are resolved by the Developer and ECCH before detailed design may be commenced

11.35 With regard to off-site highway works (to the south of Fords Lane to Colne Roundabout) MCC have major concerns, in particular that not all of the projects described by ECCH in their updated NCTS project listing are being achieved.

11.36 MCC recommend that the LPA refuse the NGAUE application on grounds that the submitted NCTS Highway network proposals are incomplete and therefore development is premature as it will have an unreasonable impact on north Colchester road users. There is no surety that conditions and future funding will ever be available to complete it.

11.37 The adopted Core Strategy 2008 is unambiguous (at page 59, Explanation of TA1) that a new adopted transport strategy for North Colchester had to be in place to support all the new development envisaged in this area of the Borough from 2008 to 2023.

11.38 The existing Transport Strategy currently in place is the 2001 Transport Strategy .The 2001 Strategy, includes a 10% designed-in modal shift of all forecast journeys. The draft NCTS concentrates on providing new dedicated bus routes on existing roads, cycle paths and footpaths across the area, as a means of encouraging 15% of people out of their cars and onto alternative forms of transport.

11.39 CBC and ECC have decided not to adopt the NCTS, but to use it as a 'by default' transport strategy to manage the development of the North Colchester transport network on an unaccountable ad-hoc basis which can react to changing circumstances as they arise.

11.40 In a letter from Robert Overall, Director Highways at ECCH, MCC was advised that both ECC and CBC intend use the NCTS as a draft strategy to enable it to be reviewed and if necessary amended to take into account changing circumstances (subject to funding). MCC note that Robert Overall states that the "NCTS is a material consideration when assessing the NGAUE Planning application. However there is nothing to stop the applicant proposing their own set of improvements to mitigate possible impact of their proposals"

11.41 MCC has taken formal legal advice [source not specified] on the status of the NCTS and has been advised that:

"The Community Council will want to consider two aspects of particular note.

- 1 The first is whether the effects on development on the transport network are adequately modelled.*
- 2 The second is whether sufficient is known about the wider developments and the transport proposals for the remainder of the area to judge the adequacy of the NGAUE proposals.*

It is therefore a practical question whether the NGAUE scheme can be considered acceptable in the absence of a transport strategy. The context includes the Site Allocations policies on transport measures in the North Growth Area (NGA4) and that related to the NGAUE (NGA5) the material on transport and accessibility in the Supplementary Planning Document"

11.42 The draft NCTS is a material consideration relating to the assessment of the Vectos TA and MCC is not legally restrained in making admissible commentary and judgments based on all data in the public domain. The adopted Transport Strategy 2001 is the only legal source of reference with regard to transport matters in North Colchester.

11.43 The major issue on which MCC is vehemently opposed to the NGAUE Planning Application being approved is the failure of the latest version of the draft NCTS to provide any credible reassurance that the NAR network will ever work satisfactorily. This includes the flawed base data 16-20% deficient on the CASM model and the inadequate funding being available to meet all the needs of implementing the NCTS within an agreed timeframe.

11.44 The four most critical NCTS items, which in MCCs' view are serious enough to refuse the NGAUE application, are set out below:

- The Park & Ride and Rapid Bus service lanes & Buses need to be secured before this development starts.
- There is no reference to the vital North Station Gyratory infrastructure project in the ECCH suggested conditions.
- Colne Bank Roundabout upgrade and widening Station Way between Essex Hall, & Colne Bank needs to be implemented sooner than proposed.

- Planning Approval should not be awarded until a firm commitment to a properly transparent, empowered and resourced body is in place from the start

11.45 The draft NCTS must be reconsidered, on reliable, transparent technical and funding grounds and go through a full adoption process as soon as the NAR3 is operational. It is on these two grounds that we will particularly asking the Secretary of State to call in this application for determination.

11.46 MCC has been advised the following by their [unspecified] Planning Consultant:

“It seems to me that the impact of this huge development on the wider area is a material consideration and therefore the planning system (LPA) has a duty to ensure that any development it allows does not create impacts which cannot be removed or acceptably mitigated. In broad terms, therefore, you are entitled to question the acceptability of the scheme having regard to off-site considerations as no site is an ‘island’ in this respect. With regard to the specific matter of whether the failure to “firm up” the NCTS is sufficient in itself to justify an objection based on “prematurity”. It is certainly a material consideration and a potential discrediting point. There would have to be very strong evidence, (which you may indeed have), to stall or refuse a development which in most other respects, is in line with the Development Plan”.

11.47 MCC has also been advised their by their [unspecified] Planning Solicitor:

“If outstanding issues identified on site or directly off site are being left to reserved matters and detailed design stages, you should be sure they can be satisfactorily designed in detail. If you are happy with everything in this respect, there is clearly no point in objecting when you have nothing to object to. If the scheme is likely to cause congestion or road safety problems some distance away from the site, that as a material consideration, such as inadequate proof of design or funding for necessary relief can be used to justify refusing planning permission provided the Council is satisfied there is sufficient evidence to support this. Traffic implications will be just one of probably several issues which need to be weighed up in deciding whether to grant permission for this proposal, e.g. the Council may consider the proposal will add to already bad congestion”.

11.48 In addition to the above, MCC makes various comments in respect NCTS and improvement works promoted by the current application. These comments include:

- The bus only link Albert & Colne Bank Roundabouts (North Station Road) has been omitted from the required off-site works. These works have been described by ECC as vital;
- The part signalisation of Essex Hall Roundabout is agreed by MCC.
- There is no confirmation that the signalisation of Tuffnell Way / Bergholt Road Junction will be funded in full by the Developer;
- The NGAUE Bus Provision does not refer to the bus transport local group representation;
- The shared footpath cycle path to be constructed between R16, Tuffnell Way and Railway Station is not what MCC asked for; MCC want a fully lit dedicated and separated footpath & cycle way;
- The phased approval by ECC for any cycle path and footpath does not refer to footpath management groups;

- The figure of £500k for NGAUE Access roads off Nayland and Boxted Roads is inadequate and the timing of the proposed construction of this road does not make sense.
- Cycling and Pedestrian Infrastructure (Dutch Qtr/Mercers Way/Margaret Rd, Mile End Rd to Braiswick Lane P&R/Boxted Rd/United Way/Tower Lane Betts/SeverallLane/St Johns and NGAUE/West Bergholt shared use bridge crossing A12) are not included.
- Bus Priority Infrastructure ECCH conditions and funding do not mention anywhere that this bus gate at the southern end of Boxted Rd has to be provided, and when

11.50 MCC has also made comments on the some of the conditions suggested by the Essex County Council. The conditions commented on are as follows:

- The timing of the link Rd to the Severalls junction and the Toucan crossing Fords Lane roundabout does not make sense as the link road will be needed as soon as the A134 Diversion is in place.
- Primary Street appears to be of a modest width; we thought, it would be 7.3m+ 2.3m kerbs.
- The conditions do not specify the road type for the Primary Street and A 134 diversion
- The private access to Braiswick Lane and the prohibition of the vehicular traffic from the development needs to be resolved.

MCC make no comment on the remainder of the suggested highway comments.

Retail Element

11.51 MCC objects to the retail element of the submitted application on the following grounds:

- The Applicant's retail proposals do not conform to the adopted Community and Borough Council SPD (2012) policies for the NGAUE.
- The proposals deprive choice and ignore the daily retail needs of younger and older residents who will live in the southern part of the NGAUE. This is in conflict with the adopted SPD policy.
- Applicant's retail proposals at > 2500m² gross area is excessive development and does not meet the required NPPF policy paragraph 26 to have an objective impact assessment. MCC is concerned that the existing village centre and eastern neighbourhoods will suffer direct detriment as a consequence of the scale and timing of the retail proposals for 121272.
- The Applicant's retail proposals are not needed at all until 2021, a statement also supported by NLP, the Borough Council's own retail consultants. MCC recommend the trigger point for operational retail services on the NGAUE should be after all dwellings on land parcels R1 to R8 are occupied.
- The proposals are based on the Developer's misplaced interpretation of this community's retail requirements. We request the Chair of the LPA to accede to our request to ensure the size and timing of the retail element of this application is fully deferred until it is developed as part of the imminent Neighbourhood Plan consultations

11.52 MCC is dismayed at the opportunism of the developers of the NGAUE in believing they can override all the express wishes of this community by trying to impose an early and oversized retail facility which is not needed for its own future residents. The developers have totally failed to understand the Community do not want our new facilities on the extreme north west of our area, but in the centre of the Parish on the eastern side of Severalls Phase 2, adjacent to the Northern Gateway. We are disappointed at CBC staff who chose to appoint the Developers own consultants to provide a biased “comparative approach” rather than an independent and fully consulted” impact statement” for the NGAUE retail facility, as required by the NPPF.

West Bergholt Parish Council

11.53 The comments made by West Bergholt Parish Council can be summarised as follows

- There still is little or no mention of the impact the additional homes and associated private vehicle movements will have on the rural communities to the North and North West of the Development. This will be particularly relevant if the traffic calculations are found to be incorrect.
- We note that the traffic movement plans suggest there will be only one main route through the development for private use and a secondary route for public transport. This suggests the authorities believe that residents will adopt the use of public transport in a manner not proven elsewhere in the Borough. It is worrying to see the lack of information or guidance on how changes can or will be made if the traffic planners have got this assumption incorrect.
- The gyratory system at North Station already suffers from severe congestion even without this proposed development and particularly at rush hour times and at the weekends. A new approach is proposed within the travel strategy document and there is a concern that if this proposal was found to be ineffectual then the impact on this area and the feeder roads will be significant. The full planning application does not state that a new underpass (beneath the railway line) will form part of the development criteria. This Council therefore concludes that in terms of the expected traffic increase generated by this development that perhaps it is in the wrong place at the wrong time. It may be better to place the demand for 1600 new homes in another area in the Borough either to the East of Colchester towards Wivenhoe or to the West towards Marks Tey. These two suggested locations would avoid the need for an alternate underpass beneath the railway line.
- There is little evidence showing projected traffic flows on the A134 created by this development demonstrating this road will not be subject to regular and severe congestion during rush hour and weekend shopping periods. If this occurs the overflow and impact will in turn lead to congestion issues for the rural villages to the north and west of the proposed development. The statement made under paragraph 2.2.12 of the transport assessment states the impact of this development coupled with the Northern Approach Road phase 3 will result in considerable changes for the traffic on the A134. There does not appear to be any safeguard built in if the assumptions made by the road planning authorities are inaccurate or incomplete.
- Access and the percolation of movement should be permitted between the old and new neighbourhoods, but not to allow significant amounts of through traffic. Cycling, walking and perhaps bus traffic is fine and indeed access to new neighbourhood facilities should be a feature of such percolation.

- Bergholt Road is already heavily congested and this development will exacerbate the problem. Even with the intended increase in cycle movements there are insufficient (if any) existing cycle routes along Bergholt Road either into the town or towards West Bergholt.
- In respect to the footpaths and cycle ways in the development care should be taken to integrate this network with other parts of the Cycle Colchester network and to make the routes genuinely attractive with good signing and crossing points where these routes interface with the existing network. Adequate cycle way should be implemented as part of this overall development and its impact on the surrounding residential areas between the North Station cycleway and West Bergholt to help encourage new cycle use and increase safety for existing cyclist movements between West Bergholt and the station cycle ways.
- Before approving this substantial development this Council expects this entire area should be the subject of an Impact Assessment Task & Finish group consisting of CBC officers and Borough and Parish Councillors to demonstrate both transparency and inclusion of local knowledge and understanding and ensure findings are captured within the development which will change the landscape and way of life for those living and working in this part of the Borough.
- For a development of 1600 dwellings the average parking space requirement is 2 per unit which equates to 3,200 vehicles. It is surprising to see that for a development of this magnitude, where the travel strategy is based upon sustainable travel, it is surprising to see that parking standards for this development appear to remain unaltered.

12.0 Representations

12.1 The following Local Councillors have made representation in respect of this application:

Cllr A Turrell (Mile Ward)

12.2 The objection from Cllr A Turrell can be summarised as follows:

- The above site is one of the last areas of open space and green countryside in North Colchester and will turn Mile End into one big concrete area with masses of extra traffic. The site is a green lung for local residents and should not have been considered for development.
- The site is however allocated at present in the Core Strategy and the Developers will put forward plans for building new homes.
- Should this application be agreed there must be very strong transport measures to counteract the extra traffic, around 3200 extra cars can be expected from a development of 1600 dwellings. At present there is no North Colchester Travel Strategy to try to ease the congestion as it is now so there must be one for any new homes being built. Therefore a condition should be attached that until a workable and agreed North Colchester Traffic Strategy is completed not one brick should be laid.
- There is already in Mile End outline planning permission for 1700 homes on the Severalls Site of which just over 200 are being built now, therefore 1500 more are still in the pipeline without a proper Travel Strategy. Hence should this outline application be agreed there must be a condition that no houses are built on this site until all the houses have been completed on Severalls. A small area such as Mile End cannot take over 3000 homes, a small village, in a short timescale without

destroying the area and causing even more problems with School Places, Doctors, Dentists, Nurseries, and unthinkable extra pressure on local traffic and public transport.

- The 760 houses being built on the old Woods site are still being completed and as this site grows more and more pressure is being put on all the infrastructure around Mile End. Therefore time is needed to absorb the already overflowing Mile End.
- There are also plans for Development at North Station which will only add to the mess.
- Whilst this planning application needs to be judged on its own merit the effect it will have on Mile End should be a material consideration, it cannot be treated as an island.

As a recap two extra conditions need to be added should this outline application be approved:

1. No building to be started until the North Colchester Travel Strategy is complete
2. No building to be started until all the homes on Severalls site are complete.

Cllr M Goss (Mile End Ward)

12.3 Cllr M Goss made the following comments in respect of this application:

I am objecting for the following reasons:

1. The current road and travel infrastructure will be unable to cope with any further demand or increase around the North Station area.
2. The ECC traffic data has not been submitted to support their travel plan and having asked a professional traffic advisor, the 15% modal shift which the ECC traffic experts are hoping for has never ever been achieved in the UK. It has only ever been achieved in Amsterdam.
3. Whether we like it or not, the British Public are married to their tin cans known as cars and buses remain unaffordable for many struggling families. It is still cheaper for a family of 4 to drive into Colchester and pay to park, than it is to afford to get on a bus. Unless buses are free, or community led, subsidised, frequent or reliable human behaviours will never change. This whole development relies on a change in behaviours, although Mersea Homes own submission tries to argue to the contrary.
4. The development proposes to have only one road going through the whole development which seems unsustainable with only one entry and exit. I would be interested to see what Essex Fire Service and the Ambulance Services make of this. It is a potential death trap waiting to happen.
5. This development is coming forwards way too early and I am unconvinced of the proven need to commence any development before 2016. The developer wants home inhabited in 2016, which is different to development commencing from 2016 as laid down by the Government Inspector in the LDF core strategy. The developer wants to start some infrastructure before 2016, therefore allowing houses to be built and inhabited as early as possible in 2016. The Inspector seemed to intimate he expected development to commence from 2016 which is a subtle and very different interpretation of the developers.
6. Health Services are already unable to cope in Mile End or North Colchester and there seems to be no investment or input from the NHS with this regard. Mill Road

- surgery is already oversubscribed and this facility is still only a few years old. What about other healthcare such as Dentists?
7. Schools both primary and secondary are already badly oversubscribed and the catchment areas for some schools are a mess with children coming from all over Colchester and local people not being able to get into the local schools. This creates more traffic chaos and means some parents spend hours ferrying their children all over Colchester simply to get them to school. This doesn't help promote healthy living or walking to school or reducing car trips or car emissions.
 8. Train services to and from London are now at full capacity with no further possible enhancements to train lengths or services. It is obvious people will move out of London or more migrants will move here therefore putting yet more strain on transport to London as the highly paid jobs required to purchase these houses do not exist in Colchester.
 9. This development will have an overall impact on the current community and their Human Rights will be impacted with a potential reduction in living standards for the entire area.
 10. The area generally floods badly and therefore concerns need to be raised about the properties getting insurance or being sustainable.
 11. Desktop wildlife studies are not good enough for this area and much rare fauna and plants has been recognised as being on this site along with many animals and wildlife. Further work needs to be carried out on sustainability and environmental impact assessments with people from validated public bodies investigating further.
 12. The Severalls Hospital Development needs to fully complete and a condition needs to be added that all new proposed road infrastructure at North Station needs to be completed, including new traffic lanes, roundabouts and whatever feasible solutions are required to cope with increased demand along with the fact severalls must be fully completed before this development can go ahead. Both conditions must be made if the Planning Committee decided to approve this.
 13. Increased pollution and reduction in air quality will happen in the area with an increase in traffic, again affecting health of locals and breaching their human rights.
 14. This application should be referred to a Government inspector to make the final decision.
 15. Localism and local knowledge should have a bearing on the outcome of this application.
 16. Further brownfield sites should be investigated prior to green field sites, which this is, come forwards. Mersea Homes own brownfield sites such as Brook Street - this should be developed firstly.
 17. This application should be mothballed until the outcome of the LDF review is completed.
 18. This will potentially change the landscape of Colchester and could bring further detriment to our town.
 19. Building big monolithic estates is not the way forwards for Colchester. 1600 new homes on top of 1500 at Severalls are a further 6000+ residents for North Colchester - this is unsustainable!
 20. Some current housing will be affected by these properties where gardens and houses will become overlooked, therefore reducing light and quality of life for existing residents.

In summary, this development should be mothballed for at least the next 8 years and rejected for the time being.

Local voices matter!

Cllr S Greenhill (Mile End Ward)

12.4 The letter of objection from Cllr S Greenhill is set out below:

I herewith object to Planning Application 121272/North Colchester Housing Development (1,600 Homes).

1. The road infrastructure is already proving inadequate for the current levels of traffic in and around the North Station area. Surely, no further development should go ahead without serious investment in improving the current infrastructure as well as investment in new roads.
2. There does not appear to be any evidence which has been made available by ECC that the North Colchester Travel Strategy is able to support a circa 15% modal shift. Furthermore, It is also evident from living near the New Braiswick Park area of the town that there has been very little modal shift given the number of near empty buses that are going in and out of this young development. Lastly, having lived on Bergholt road for many years it is beyond me why bus lanes onto Bergholt Road are even being proposed which would add more traffic on to what is already a busy road. To sum up, this whole Travel Strategy proposal does not appear to be viable.
3. The loss of such a vast area of open green space as a result of this application would surely impact the quality of life for many local residents already living in North Colchester, and this has been made clear in previous consultations and a petition, not to mention the loss to future generations. The Human Rights of all residents in this area of the town should therefore be taken into serious consideration as part of Planning Law, or as part of a Public Enquiry.
4. Given the current economic climate and downturn in the housing market I would question the need/demand for such a high volume of additional housing in North Colchester, and as such I cannot see why another planning application for 1,600 homes in Mile End is being considered when we still have 1,500 homes being built as part of the Severalls development.

I therefore cannot support this application for all the reasons mentioned above.

Cllr J Hayes (Castle Ward)

12.5 The objection from Cllr J Hayes to this application is summarised below:

- As heritage champion for Colchester, I write in what I believe to be the public interest in defence of the natural and historic heritage affected by the proposed development.
- As a preliminary it is a myth that Colcestrians are content with the rapid expansion of their town's population. The reality is that Colcestrians have had the expansion imposed upon them by the East of England Plan, which in turn was dictated by the former Labour government's Deputy Prime Minister John Prescott. The East of England Plan is revoked, and with it the impetus driving the rapid expansion policy. Further, while the town is being crammed with new housing, some of Colchester's satellite villages are losing their shops, pubs and schools because they lack affordable housing for younger people.
- The greenfield site in question was designated on a provisional basis, if required, and after 2016. The current application is four years premature and is made against a

background of ample brownfield land lying still undeveloped elsewhere in the town, which should be proceeded with first.

- Colchester was a magnificent fortress which, for most of its existence since Roman times, must have looked out on fields and wooded country to the north. The ancient Chesterwell Wood, of which a remnant remains on the proposed development site, was much more extensive at the time of the Chapman & Andre map in the 1770s than now. Colchester town centre contains very important heritage landmarks. The Environmental Statement submitted in support of the application admits that the proposed development will have adverse impacts on the landscape views from some of those landmarks, e.g. the Balkerne Gate (Roman) and the Castle (Norman on Roman foundations).
- I urge you to ask for Further Information under Regulation 22(1) of the Environmental Impact Assessment Regulations 2011 to redress particular deficiencies in the Environmental Statement with regard to heritage:
 1. The ambiguity in the phrase “green infrastructure” used in the Environmental Statement obscures the distinction between often unnatural green spaces such as sports grounds, and natural landscape that facilitates wildlife movements. A previous ecological study for the Haven Gateway project described Colchester as important for its wildlife corridors. A glance at a map shows that the proposed development site of 104 hectares (256 acres) forms a large green wedge between the villages of West Bergholt and Great Horkesley, extending south between Braiswick and Mile End almost to High Woods (a remnant of an ancient forest) and as such, must be operating as a wildlife corridor. Introducing an estimated new human population of 3,800 into this space is bound to disturb and adversely affect wildlife. The Environmental Statement fails to deal adequately with the effect of the proposed development on wildlife movements. A thorough appraisal of the adverse effect of the proposals on the existing wildlife corridor, distinct from and to be weighed against the alleged merits of the proposed “green infrastructure”, should be requested.
 2. Colchester’s long standing policy has been to maintain the separate identity of its satellite villages. There appears to be a fundamental inconsistency between that policy and allowing the green wedge in question here to be filled with housing. The historic separate identity of Mile End is not adequately described in the Environmental Statement. Mile End was from medieval times a separate settlement outside, although within the jurisdiction (“liberty”) of, the town of Colchester. According to records the Earl of Oxford sold the manor of Mile End to a Colchester man, John Lucas, in 1544. In 1848, according to a contemporaneous record, Mile End had 596 inhabitants. The 1940 edition of the Ordnance Survey shows that Mile End was still distinct from Colchester in the Second World War. This contradicts the Environmental Statement’s claim in the main text, paragraph 3.08, that “historical mapping indicates that Mile End became conjoined with Colchester sometime before 1938”. A thorough historical investigation should be requested.
 - 3, The Environmental Statement, in main text paragraph 5.54, states that the hedgerows do not mark a pre-1850 parish boundary and, on that criterion, do not constitute “important” hedgerows within the Hedgerows Regulations 1997. The Diocese of Chelmsford’s Tithe Award Map dated 1842 for the

Parish of St Michael Mile-End (scanned copy attached of a certified true copy from Colchester Public Library) indicates that the parish boundary ran along St Botolph's Brook, on the western and north western edges of the proposed development site, between it and what is today a golf course (formerly ancient woodland). Importantly, the 1842 Map indicates that hedgerows on site today correspond closely with field boundaries at the time of the Tithe Award. This tends to suggest that the age of the hedgerows is upwards of 170 years. A deed dated 18th June 1400 in the archives of the Mercers' Company of London refers to land in Mile End "enclosed by hedges and ditches". It is on the cards, therefore, that the surviving hedgerows not only pre-date the Enclosure Acts but are very old indeed. An investigation of historical records should be requested, to clarify whether the hedgerows are "important" within Regulation 4 and Schedule 1 Part 2 of the Hedgerows Regulations 1997.

4. The Environmental Statement does not deal adequately with how it proposes to conserve and enhance the habitats of the Red and Amber listed avian species. Of particular concern is the loss of habitats for a substantial population of skylarks, which nest in the open fields. This Red-listed species and its song have inspired both poetry and music and are emblematic of the English countryside. It seems that these skylark habitats would be completely lost, and no proposals are put forward to recreate them. Further information should be requested on this issue. The British Trust for Ornithology and/or Royal Society for Protection of Birds should be invited to comment.
5. The rare great crested newt colony on the adjacent golf course, ponds 3 and 4, presumably extended its range into the site until the apparently recent excavation of a deep ditch between the golf course and the site made a barrier for them. Further information should be requested as to how habitat for the newts will be recreated. A conservation charity such as Froglife should be invited to comment.
6. Rare bat species are recorded on the site but the Environmental Statement fails to deal adequately with the effect of introducing a dense human population of 3,800 persons into the site. Further, the intersection of the site with new roads would, according to a recent report published by Leeds University, have a significant detrimental effect on bat flight patterns. Further information should be requested on these issues and a suitable conservation charity invited to comment.
7. There is no proper survey of plant species, merely a list compiled from published sources apparently without an inspection. This is inadequate and disturbing in that it is well known locally that in 2011 local experts and Sir Bob Russell MP saw a colony of rare bee orchids on the site. This orchid colony should be conserved or recreated (presumably genetic material exists). A thorough survey of plant species should be requested.

Sir Bob Russell MP

12.6 The letter of objection from Sir Bob Russell to this application can be summarised as follows:

- The proposal constitutes an environmental disaster.
- It will result in a mile long cul-de-sac.
- The transport proposals are a joke; they have been used to justify building on the southern field which would otherwise be landlocked with no vehicular access.
- The proposal will destroy an attractive area of open countryside; the site should be retained as open countryside.
- Colchester has seen more land developed in the last 30 years than the previously 2000 years; Mile End has seen massive growth with more to come (Severalls Hospital)
- Why has this land come forward when it has previously been resisted for development?
- The application could have been worse in that the original proposal proposed more housing.
- The application should be refused as premature; it should not be considered until Severall has been completed.
- The application should be subject to a public inquiry.

Homes and Communities Agency

12.7 The Homes and Communities Agency (HCA) comments can be summarised as follows:

New Growth

- The HCA recognises that Colchester is a successfully growing City and CBC has ambitious aims for the future. We welcome sustainable new growth which will complement these ambitions and contribute to the wider economic recovery.

Infrastructure

- The HCA notes that Transport Studies have been completed as part of this outline application which has taken into account the changes to infrastructure needed to accommodate a development of this scale. We would like to encourage the Authority to consider whether the proposed improvements to vehicular infrastructure take adequate account of the wider development of Colchester as a whole, and other development schemes in North Colchester such as Severalls Hospital.
- Similarly, the proposed improvements in public transport in the area must take account of the wider development of North Colchester in order that transportation in the City remains efficient.

Design Quality and Environmental Sustainability

- Whilst this application is at an outline stage, the HCA would encourage CBC to strive for the highest sustainability standards and design quality to create a dynamic, vibrant and sustainable new neighbourhood in the City. We also welcome the proposal to include green infrastructure and sporting facilities. This development will

help set the standard for future schemes and we share CBC's ambition to achieve the very best outcome for Colchester. We recognise that this must be balanced with maintaining the viability of the scheme. The HCA would be pleased to offer our support, should you require it, relating to your discussions on affordable housing, sustainability and viability as part of our enabling role.

Colchester Cycling club

12.8 General Comments

- A master map of cycle routes covering the development is required
- Dutch-style cycling facilities should be provided (cyclists and pedestrians separated from each other; 4m-wide paths with verge, indicated priority over side roads) alongside roads of 30mph or over within or created by the development should be provided.
- On-street parking should be limited to dedicated bays rather than at the roadside

12.9 Off-Site Comments

- The concerns over increased car congestion caused by this development are recognised. However the developer is looking to increase capacity rather than reducing capacity and providing for alternative transport. We therefore urge consideration and traffic modelling of:
 - a) the closure of North Station railway bridge to all private motor traffic, with exceptions made for rail commuters with car park passes, or
 - b) the closure of North Station railway bridge to all private motor traffic at peak times, with exceptions made for rail commuters with car park passes, or
 - c) the creation of a congestion charging point for all private motor traffic at peak times at North Station railway bridge (exceptions would be made for rail commuters with car park passes)
 - d) the creation of a camera-controlled gate that allows a system of odd/even index plates on alternate days
- Such a move would enable the creation of a "town within a town" in which residents would have easy access to the existing town centre but would allow sustainable non-car-based retail development to the north.
- The proposals for Essex Hall junction and for the Cymbeline Way/Westway roundabout should be rejected. The plans should take account of the growing use of alternative modes of transport such as cycling.
- Traffic light should replace the Albert roundabout.
- Dedicated cycle routes should be created under the North Station Road railway bridge in the medium to long term; in the meantime we urge the creation of bus lanes, use of which is restricted to buses, cycles and sub-50cc motorcycles.
- The two-way bus lane in the northern section of North Station Road (outside Norfolk pub) is supported.
- There should be restrictions on motor vehicles turning in and out the southern section of North Station Road at the Albert roundabout to limit traffic on this road. This should include a 20mph limit on this section of road
- A one-stage crossings for pedestrians and/or cyclists across all major junctions created or modified by the developer

- A wide central refuge and/or traffic signals should be created to allow an easier crossing for cyclists and buses between Nayland Road and Boxted Road
- The cycle connections between the Severalls site, the new development and town should be reviewed
- The developer should fund and provide a cycle/foot bridge over the A12 to West Bergholt
- Country lanes to the north of the site should be protected. The applicant should fund a study of the effect of traffic restrictions on key lanes to prevent traffic growth, especially on Sustrans NCN routes.

12.10 On-site Comments

We recommend that:

- the main spine road within the development follows a contour line as much as possible
- the developer should purchase properties in Bergholt Road to provide direct foot/cycle routes towards North Station
- the developer should purchase a property in Rose Crescent (top end of Prior Way) to provide another direct foot/cycle route towards town.
- the developer comes to an arrangement with Colchester golf club to allow a direct north/south pedestrian cycle route on the western side of the development (may need rearrangement of golf course)
- the developer investigates the benefits of building a link road parallel to the A12 between the B1508 and the A134. This would allow a bus gate to be positioned in Bergholt Road between the A12 and north station which will serve the dual purpose of reducing motor traffic on Bergholt Road and making future changes to the Boadicea roundabout (station roundabout) less complicated
- the idea of private motor traffic having access to the town road network via only the north of the development site is supported
- the proposed road network at the north of the site, with simplification of the Nayland Road junction, and a new road crossing the A134 to Boxted Road roughly 500m north of the Nayland Road junction is supported.

Representations from Local Residents

12.11 On the 26 August 2013 the planning records show that some 214 letters / emails of representation in respect of this planning application: 190 letters have been classed as an objection; 21 have been classed as non-committal and there are four letters of support. From the 27 August, a further 49 letters of objection have been received.

12.12 The issues raised are summarised below and have been categorised under four broad headings.

12.13 General planning Issues

- Brownfield sites, such as Severalls Hospital should be developed before open countryside
- The development is premature; the site was earmarked for development from 2021
- The site is allocated for development in the Core Strategy on the basis that it will be needed to meet assumed employment growth and an effective transport

infrastructure will be in place. Employment growth assumptions are now fatally flawed and no viable transport infrastructure has yet been proposed.

- The houses are not needed
- The house should be built in a new village outside Marks Tey
- The infrastructure (roads, schools, dentists, hospital, sewers, surface water etc) can not accommodate this development.
- The development will add to flooding problems in the area
- The new public footpaths will have a detrimental impact on nearby residents
- The development should not proceed until the impact of Severalls is understood
- The development will adversely affect the setting of Braiswick Farmhouse (grade II listed)
- The site contains important medieval archaeology
- There are too many homes in North Colchester / Mile End is over developed
- The development will adversely affect property values
- Colchester has no special attraction in terms of labour skills and wage rates, natural resources, land prices or transport links that would attract significant long term growth in employment opportunities required to justify development on the scale envisaged
- The new centre will damage the vitality of the existing village centre.
- The 'community' facilities are never delivered.

12.14 Transport

- The methodologies used to assess the transport impact of the development are not appropriate or utilise incorrect or out-of-date data
- The development should not be approved until the North Colchester Travel Strategy is adopted
- The modal shift is unrealistic; plans encouraging residents to walk, cycle or use public transport appear unrealistic and idealistic
- The development will add to the traffic problems at North Station and the surrounding area (congestion, accidents, pollution and noise)
- The NAR should be open before this development starts
- The development will add to congestion on the A12
- The impact that the development proposals will have on access to properties on Mile End Road
- There must be no vehicular access onto Bergholt Road
- The development should not affect existing access rights
- The traffic generated by this development will adversely affect rural communities

- Cumulative impact of all development in North Colchester on the highways network is not fully understood; the existing highway problems need to be resolved prior to this development coming forward
- The mitigations proposals are inadequate
- Development should not be permitted until the Park and Ride is built.
- A single main access point into the development is not appropriate; this will create a further area of congestion and bottleneck particularly as the 2 schools and shopping centre are very close.
- The access is poorly designed.
- The appropriateness of the majority of the primary street being single sided;
- Concern regarding the diversion of the A134 and the proposed access arrangement at Boxted Road / Nayland Road / Fords Lane roundabout and ability to access existing properties
- The development will add to the problems of over crowded trains
- The proposed bus service will unattractive to existing and new residents
- The crossing of Braiswick Lane will destroy its character and will be to the detriment (safety) of users of this lane.
- Existing residents have rights of access along Braiswick Lane; existing access rights need to be preserved.
- The development will result in more cars using Studds Lane which the residents are responsible for maintaining.
- No additional development should be allowed in north Colchester without significant additions to the rail and river crossings.
- The proposed bus service strategy will not result in an attractive quality service and will lead to a deterioration of the existing service 2.
- The main portion of the spine road passes along the edge of each housing area, instead of buses being allowed to pass through the middle of each housing area. The latter would reduce average walking distances to stops, and provide a 'safe' road with continuous house frontages, and 'safe' bus stops. (Instead all the proposed bus stops will have hedges / bushes / unpleasant-after-dark areas immediately on one side of the road).
- North Station is dangerous for cyclists
- People will not use public transport as it is unreliable.
- A flyover is required over North Station.

12.15 Design Issues

- The overall density and scale of the development is inappropriate
- The development will adversely effect adjacent residents loss of privacy, views
- The development will adversely affect the quality of life of nearby residents

- The plans are too vague to enable adjacent residents to determine the impact of the proposal on the adjacent properties
- The houses should highly energy efficient
- Ponds situated on the periphery of the estate pose a hazard to children
- Gardens for any new dwellings should back onto the wildlife corridor/hedgerow so that the existing properties in Chesterwell Mews, Boxted Road and Pleasant Plains are not directly overlooked.
- New build development is crammed and overlooked.
- The development is boring and unimaginative

12.16 Landscape and Ecology

- The development will result in the loss of accessible open countryside
- The development will result in the loss of a network of green spaces
- The site is valued by residents for walking their dogs etc
- The development will have a detrimental impact on the ecology of the area.
- The wildlife reports are inadequate
- The tree report is biased in the developer's favour
- The area is currently a haven for wildlife and the large trees and hedgerows provide not only aesthetic beauty but a rich and varied habitat whose loss is not only a tragedy
- The development will result in the loss of hedgerows

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

13.0 Parking Provision

13.1 The application is for outline planning permission; parking provision will be determined as a part of the reserved matters (detailed) planning application(s).

14.0 Open Space Provisions

14.1 The provision of open space is discussed in the main body of the report. With regard to private amenity space this will be determined as a part of reserved matters (detailed) planning application(s) and in accordance with the Council's adopted planning policies.

15.0 Air Quality

15.1 The site is outside of any Air Quality Management Area and is considered to not generate significant impacts upon these zones. Potential air quality issues arising from this development are discussed in the main body of the report.

16.0 Community Involvement

- 16.1 The principle of development at Colchester North was established as a part of the adoption of the Council's suite of development plans for the Borough. The plan preparation process associated with the preparation, examination and adoption of the Colchester Borough Core Strategy (2008) and the Site Allocations Document (2010) means that there has been extensive public and stakeholder consultation to inform the strategic planning of North Colchester.
- 16.2 The Supplementary Planning Document relating to North Colchester has also been subject to public and stakeholder consultation as part of its preparation. The consultation process involved an initial workshop event undertaken in December 2008 and another in March 2009. Following these workshops the SPD was published for statutory consultation in December 2009 and as part of this stage of consultation further community engagement exercises were held in February and March 2010. This consultation informed the preparation of a second draft SPD which was published for consultation in January 2012. Following this round of consultation a revised draft was published in March 2012 which was adopted the Colchester Borough Council's LDF Committee.
- 16.3 In addition to and alongside the statutory consultation undertaken as part of the preparation of the SPD, Colchester Borough Council also commissioned the University of Essex to undertake a community engagement process.
- 16.4 The applicant has also undertaken a pre-application consultation on the Colchester North proposals. This comprised a month long consultation event from 8 December 2011 until 6 January 2012 with a drop in public exhibition held on the 8 December at the Queen Boudica Primary School and on 10 December at the Mile End Recreation Ground Pavilion. The public exhibition presented the emerging development proposals including the master plan, and provided the local community with an opportunity to comment on the key aspects of the proposal. The applicant's Planning Statement notes that the local community and local stakeholders including Myland Community Council and LoveMyland, were encouraged to attend and participate in the events to help influence the emerging proposals. Following the manned exhibitions, the exhibition material was then on display at the Myland Community Council offices from the 15 December to the 6 January 2012 (the official close of the consultation period) and continues to be available on the applicant's Colchester North website.

17.0 Report

The Site and Surroundings

- 17.1 The site covers an area of approximately 103.74 hectares. The application site is a combination of arable land defined by hedgerows, land used for the cultivation of roses and woodland. Chesterwell Wood is a key landscape feature of the site and extends to approximately 2.5 hectares. There are also important areas of woodland to the south of the site. There are no existing buildings within the application site boundary.

- 17.2 The site is bounded to the north by the A12; beyond the A12, the landscape has a predominantly rural character. The eastern boundary of the site is mainly formed by the rear boundaries of the properties along 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 western boundary of the site is formed by the Colchester Golf Club.
- 17.3 The southern boundary of the site is some 550m from Colchester's main railway station and some 1500m from the town centre. To the north of the site are the villages of Great Horkesley and West Bergholt.
- 17.4 Existing points of vehicular access into the site can be achieved from Fords Lane with private access to the site from Braiswick Lane. Bartolomew Court immediately abuts the site but does not currently provide any means of access into the site.
- 17.5 A number of Rights of Way cross the site; these generally follow existing field boundaries and provide connections from Bergholt Road and Mile End Road and across the A12 to the Essex Way.

The Application Proposal

- 17.6 The application seeks outline planning for a mixed-use development comprising up to 1600 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 enabling works.
- 17.7 The context of the proposed development is set by the parameter drawings and planning approval is sought for the following drawings:
- 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)

In addition to the above, a suite of highway works drawings will need to be approved in order to secure the implementation of these works.

- 17.8 Permission is sought for up to 1600 homes proposed to be of mixed sizes and forms. It is intended that the majority of the homes will be delivered as houses rather than apartments. Residential development will be accommodated within parcels R1 to R25 as shown on the Development Framework Plan.
- 17.9 A neighbourhood centre is proposed as a part of the development and will be accommodated in development parcels NC1 and NC2. It is intended that this will comprise a range of commercial uses together with the provision for other uses such as health, community and assembly. The application states that provision is made for up to

20 of the overall 1,600 homes to be delivered as a part of the neighbourhood centre. Planning permission is sought for a neighbourhood centre of up to 6,500sqm gross floorspace and will comprise use class A1 (retail), A2 (Financial and Professional Services), A3 (Food and Drink), A4 (Drinking Establishment), A5 (Hot Food Takeaway), B1 (office), D1 (non residential institution) and D2 (assembly and leisure). It is intended that the gross trading floor space of the anchor foodstore will not exceed 2,500sqm and that the net trading floorspace of the other individual units will not exceed 300sqm.

- 17.10 Development parcel EDU1 provides land which can accommodate a primary school, a secondary school and early years accommodation.
- 17.11 Areas of green infrastructure are identified on parcels G1 to G25, W1 and W2 and comprise some 37.17hectare. In addition to this, the Planning Statement notes that an additional 5.70 hectares is proposed for outdoor formal sport (parcels OSF1 and OSF2). The application also proposes a community building of up to 1000sqm of gross floorspace on land parcel OSF2.
- 17.12 Details of access (in relation to the main vehicular points of access) are submitted for approval as part of the outline planning application. Additional technical details are provided as part of the Transport Assessment. The detailed proposals include the diversion of the existing A134 Nayland Road from a modified Boxted Road/Nayland Road/Ford's Lane junction to a point south of the A12 and a connection between the A134 and Boxted Road. A secondary point of access to the site is proposed onto Mile End Road via Bartholomew Court. It is proposed that this point of access will have restricted vehicular access for emergency vehicles, buses cycles and pedestrians.
- 17.13 Existing Public Rights of Way (PRoW) which provide access to the site will be retained. These comprise Footpaths 38, 39, 41, 42 and 46; a localised diversion of footpath 41 is proposed within the application site.
- 17.14 The off-site provisions and contributions are summarised in Viability and Development Obligations section.

The Policy Context

- 17.15 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is also reflected in guidance set out in the NPPF. The Council is in the fortunate position of having a suite of up-to-date and fully adopted Development Plan Documents, including a Core Strategy, Site Allocations and Proposals Maps and Development Plan Policies (DPD). The Council has also adopted a Supplementary Planning Document in respect of North Colchester.
- 17.16 The Council's Core Strategy provides the overarching policy direction for the local plan and for the delivery of development, infrastructure, facilities and services in Colchester to 2021 and 2023 for housing. The Core Strategy establishes a Settlement Hierarchy to guide development towards the most sustainable locations. These development locations are coordinated with transport infrastructure and the provision of community facilities, shopping, employment and open space to create sustainable communities.
- 17.17 Policy SD1 of the Core Strategy promotes sustainable development and identifies broad locations for growth. Five main locations are identified, including the North Growth Area ('NGA'), which the application site forms part. Core Strategy policy SD2 seeks to ensure

that facilities and infrastructure are delivered to support existing and new communities. A need is identified for new development to provide necessary community infrastructure, open space, transport infrastructure and other facilities to meet community needs. Policy SD3 of the Core Strategy amplifies this, identifying specific community facilities to be delivered within the growth areas, including education provision.

- 17.18 Core Strategy policy CE1 sets out the Borough's strategy for the hierarchy of retail and employment centres. Policy CE2 of the Core Strategy provides specific policy in respect of mixed use centre, including the need to present human scale frontages and adaptable spaces. Policy CE2c then provides further policy in relation to neighbourhood centres, including ensuring that they encourage sustainable travel behaviour.
- 17.19 Core Strategy policy H1 states that the majority of housing will be focused within the Council's Regeneration Areas and two greenfield growth areas to the north and south-west of Colchester. The two greenfield sites are based on the findings of the Sustainability Appraisal. The application site forms part of the identified northern growth area.
- 17.20 Table H1a in the Core Strategy notes that 4,000 homes are to be provided between 2001 and 2021 with additional 2,200 provided on northern growth site between 2016 and 2023. The supporting text to this policy notes that these figures are intended as minimum numbers and that the dates shown are subject to change should monitoring prove this is necessary.
- 17.21 The Core Strategy sets out a number of transport policies which support sustainable patterns of movement. Policy TA1 seeks to improve sustainable transport links, with an emphasis on managing travel demand in new development. Policies TA2 and TA3 focus on improvements for walking and cycling and for public transport, respectively. Policy TA4 relates to managing road traffic demand and promoting people friendly street environments
- 17.22 Other Core Strategy policies that are also directly relevant to this application are: Policy UR2 which seeks to secure high quality and inclusive design in new development; Policy PR1 which requires the provision of open space to meet the needs of new communities; PR2 which promotes secure, attractive people friendly streets; and ENV1 which seeks to protect and enhance the Borough's natural and historic environment.
- 17.23 The policy approach to the North Growth Area, which includes the NGAUE as well as other sites, is subject to five specific policies in the Site Allocations DPD (policies SA NGA1 to SA NGA5). Policy SA NGA1 establishes the overall scale and types of use that would be appropriate within the North Growth Area. Policy SA NGA2 sets out the allocation for greenfield development in the North Growth Area, reiterating Core Strategy policy H1 which set out an expectation that development will commence after 2016, unless monitoring demonstrates a need to commence in advance of that date.
- 17.24 Policy SA NGA2 provides for:
- The delivery of a minimum of 2,200 homes;
 - The creation of a neighbourhood centre;
 - The retention of Chesterwell Wood and other visually significant trees and hedgerows;

- The retention of Mile End playing fields unless suitable alternative provision is made;
- The provision of open space including formal sports pitches and a buffer to the A12;
- New facilities including community and education (primary) facilities; and
- The provision for sustainable transport including travel planning; walking and cycling networks; and;
- The provision of public transport; and, highway improvements where necessary.

- 17.25 Policy SA NGA3 relates to employment uses within the Strategic Employment Zone which lies within the North Growth Area but beyond the application site. Policies SA NGA4 and SA NGA5 relate to transport measures for the Northern Growth Area and NGAUE respectively. Policy SA NGA4 provides for a package of transport schemes to serve the wider Northern Growth Area, and identifies the need for development proposals to contribute to that package and to sustainable transport measures. Policy SA NGA5 relates specifically to the transport package measures to the NGAUE, recognising that the scale, timing and nature of infrastructure will need to be assessed through subsequent planning processes.
- 17.26 The Development Policies DPD provides more detailed planning policies and supports those of the Core Strategy. A total of 25 policies are set out addressing a variety of issues including sustainable development, public realm, transport and accessibility, environment and energy and resource. These policies apply across the Borough.
- 17.27 National policy is set out in the NPPF which constitutes a material consideration in the determination of planning applications. The NPPF reaffirms the requirement that planning applications should be determined in accordance with development plans, unless material considerations indicate otherwise. The NPPF also states that there is a presumption in favour of sustainable development and that development which accords with an up-to-date Local Plan should be approved. Paragraph 14 of the NPPF advises that the presumption in favour of development means “... *approving development proposals that accord with the development plan without delay...*”
- 17.28 The adopted North Growth Area Supplementary Planning Document (SPD) provides planning guidance in support of the policies set out in the Core Strategy and Site Allocations Plans. The SPD sets out the context of the NGAUE and provides guidance in relation to the approach to development under the key headings of transport and accessibility; landscape and open space; land use; and, sustainability. An illustrative master plan is also provided in the SPD.
- 17.29 The application site falls within the North Growth Area which is identified under Core Strategy policy SD1 and includes the delivery of a new Urban Extension. The application site is also allocated for development under Site Allocations Plan policy SA NGA2. The SPD for North Colchester further reinforces the policy position in respect of this site. Given the aforementioned policy context the principle of developing this land is firmly established.
- 17.30 Many local residents have raised an objection to the principle of developing housing on this land; the application has been described as an open wedge of countryside which should be retained as a ‘green’ asset for the benefit of the Borough. The importance that local residents attach to this site in terms of a perceived local amenity is acknowledged. It is however important to remember that this site is allocated housing as a part of the

development plan; from a planning policy perspective therefore there can not be an objection to the principle of developing this land for housing.

- 17.31 Objection has been made to the timing of this application; in particular concern has been expressed that the development of this site is being brought forward (prior to 2016) and therefore conflicts with the Council's adopted development plan policies. Core Strategy Policy H1 and Site Allocations Policy SA NAG2 state that this land will come forward between 2016 and 2023, although they note that the timing and delivery of the greenfield sites will be kept under review and brought forward if necessary before 2016. The Core Strategy is clear in Table H1a that the 2,200 new dwellings on the NGAUE site sits in the column to be delivered between 2016-2023. This is confirmed in the Site Allocations DPD which reflects the Local Plan Inspector's recommendation. This states that there is generally an expectation that greenfield sites will not come forward until after 2016 unless monitoring shows this to be necessary. The monitoring will need to take account of the five year land supply and the 'lead-in' time for this development, brought about by the need for surveys, design, etc, and the processes of development management. The determination of the outline planning application forms part of the lead-in time for the redevelopment of this site. There has not been a change in approach as asserted by MCC and others to the general timeframe for the development and occupation of housing on this site.
- 17.32 The application site is allocated for housing in the development plan and forms part of the Council's five land supply. It is in this context that the site is being brought forward for development from 2016. In terms of timing it also important to be noted that the NPPF has been published since the adoption Core Strategy and Site Allocations documents. The NPPF states that sustainable development should go ahead, without delay and that for decision-taking this means: approving development proposals that accord with the development plan. It is also important to notes that, although historic rates of housing delivery have been good in the Borough, there is no certainty that this will continue. The NGAUE forms a significant part of the Council's future housing trajectory and meeting the housing trajectory is an important priority for the Borough. The trajectory shows that unless the NGAUE is delivering 100 dwellings or more in 2016/17 the housing delivery target will be missed.
- 17.33 MCC and others oppose this application on the grounds that brownfield sites should be developed in advance of greenfield sites and that there are other more suitable locations (Marks Tey is specifically referred to by MCC and West Bergholt Parish Council) within the Borough for major development. Comment has also been made that the redevelopment of the NGAUE should not be permitted until the Severalls Hospital development has been completed.
- 17.34 During the public consultation period for the Core Strategy (2006-7) the Council considered various locations for new housing development; these considerations included land at Marks Tey. At that time the potential for a significant allocation in the west of the Borough was discounted as sites within Colchester (such the NGAUE) were found to be the most sustainable in terms of their location. Two Local Plan Inspectors have found the housing land allocation at the NGAUE to be 'sound'. The land at Marks Tey is not an allocated housing site and, as such, major housing development in this location would be contrary to the Council's adopted development plan policies.

- 17.35 Objection has been made to this application on the grounds that the development of brownfield sites should take precedent to greenfield sites such as this one. Comment has also been made that the development of this application site should not come forward until the Severalls Hospital development has been completed.
- 17.36 The Council has identified both brownfield and greenfield land as a part of its requirement to maintain a five year supply of housing land. The Housing Trajectory shows that a mixture of previously developed land and greenfield sites are to come forward over the next 5 years; the majority of completions (76%) are expected to be on previously developed land. The Council has a good record of delivering residential development on brownfield land. The past ten years have seen the percentage of development on brownfield sites ranging from 65% in 2009-10 to 95% between 2004 and 2006. While it is not expected that this site will deliver new homes prior to 2016, bringing an allocated site forward in the plan period is supported by the NPPF and is not considered to prejudice or undermine the delivery of any sites on previously developed land. It is not considered reasonable or appropriate to delay development of this site until after the completion of the Severalls Hospital site. Both these major housing sites are identified for development within the Core Strategy period (2008 to 2023). Moreover, the submitted Environmental Impact Assessment considers the potential impact of the NGAUE site being developed concurrently with the Severall Hospital site and concludes that, with appropriate safeguards, this would not have a significantly detrimental impact.

Housing Land Supply

- 17.37 The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. In addition local planning authorities' should identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
- 17.38 To ensure compliance with the NPPF, the Council most recently updated its housing trajectory (which demonstrates housing land supply) in the Annual Monitoring Report published in December 2012. The application site forms a key part of the Council's identified housing supply land. Moreover, the provision of 1,600 new homes will go a long way to meeting the Council's housing target of 19,000 new homes in the period up to 2023 as expressed in the Core Strategy. It should be noted that the Spatial Policy Team has advised that, although the Council is able to demonstrate a 5 year supply of housing, it does not have a significant margin of comfort.
- 17.39 The NGAUE is a large strategic site and the delivery of it will make a significant contribution to the amount of housing delivered in Colchester over the next 15 years and thus into the next plan period. The local community has indicated through previous consultations that they want a lower density development on the site than planned through the Core Strategy; the submitted application accords with this desire. The Spatial Policy Team has confirmed that the reduced number of units does not raise any significant policy objections.
- 17.40 Any large scale housing development is unlikely to be delivered within 5 years due to the time it takes to achieve the necessary reserved matters approvals and install upfront infrastructure. It is therefore inevitable that the contribution from strategic sites will extend well into the medium or even long term and this is recognised in the Council's development plan. The application anticipates a phased building programme of up 15

years starting in 2016. The development will therefore also contribute to the Council's 15 year housing trajectory.

- 17.41 Core Strategy Policy Table H1 and Site Allocation Policy SA NAG2 states that the delivery of the NGAUE allocation is expected to come forward between 2016 and 2021 (as necessary) and forms an integral part of the Council's Housing Land Supply.
- 17.42 Conditions are proposed regarding the timescale for the implementation of this development. There is good reason in this case for these conditions to depart from the standard timescales in order to ensure that construction proceeds expeditiously and that the development contributes meaningfully to the Council's housing needs. These conditions divide the reserved matters for residential and non residential elements which allows flexibility in the event that parts of the scheme are delivered by different providers

The Proposed development

- 17.43 The proposed development comprises a range of uses including residential, education, commercial and community facilities, together with open space and supporting infrastructure. It provides for sustainable travel modes, and promotes these ahead of the private car. These uses accord with those identified in policy SA NGA2 of the Site Allocation Plan and the Council's SPD for the NGAUE.
- 17.44 The Development Framework Plan (MHC002/DFP/001/ rev H) identifies the boundaries and locations of all of the built development and open space parcels and the general alignment of the primary street. The submitted illustrative master plan provides an enhanced level of detail on the how development parameter can be applied and interpreted in creating a detailed scheme for this site; this drawing is not however a drawing submitted for approval.
- 17.45 There is a detailed Design and Access Statement (DAS) and although this is only an outline proposal there is no reason to assume that the development should not be of a high quality that enhances its location and integrates well with its surrounding area. Planning conditions are proposed to ensure that the development that materialises on the ground accords with the supporting material that has been submitted.

Housing

- 17.46 The outline application proposes a mixed use development comprising up to 1600 dwellings within the NGAUE.
- 17.47 Originally the NGAUE was expected to deliver a minimum of 2,200 dwellings (as detailed within the Core Strategy DPD and supported by the housing trajectory used at the time to demonstrate the housing land available across the Borough.) The Site Allocations DPD (and supporting evidence including the updated housing trajectory) also continued to seek a minimum of 2,200 dwellings.
- 17.48 The North Colchester Growth Area SPD however revised this figure to approximately 1,800 dwellings in light of public consultation, engagement with stakeholders and changes to national and local policy (which includes revised parking standards, minimum garden sizes and the removal of minimum density requirements.) Continued monitoring of the housing delivery within Colchester also identified further flexibility to reduce the

number of dwellings anticipated on this site without compromising the Council's ability to demonstrate a supply of specific developable sites for housing as required in paragraph 47 of the NPPF

- 17.49 The outline application proposes a lower number of units to that expected in the SPD. This is explained by the fact that part of the NGAUE allocation is in separate ownership and does not form part of the application. The additional land has potential for around 200 dwellings and may come forward at a later date. The reduced number of dwellings along with relatively moderate densities allows for amenity space and garden sizes required in Development Policy DP16 to be met whilst ensuring that the parking provision required in Development Policy DP19 and the Essex Vehicle Parking Standards SPD is also accommodated. The supporting Planning Statement also outlines that the number of dwellings has been reduced as a result of local consultation and the Myland Design Statement which seeks moderate densities to ensure that the new development is designed within the context of the surrounding established residential areas.
- 17.50 The proposed housing provision accords with the adopted planning policy and guidance for this site.

Affordable Housing

- 17.51 Policy H4 of the Core Strategy states that the Borough Council is committed to improving housing affordability in Colchester and that the Council seek to secure 35% of new dwellings to be provided as affordable housing.
- 17.52 The current application proposes a minimum 15% affordable housing and is not therefore compliant with the local plan policy on affordable housing. The reduced affordable housing provision is justified on the grounds of the scheme's viability. The viability issues are discussed later in the report.
- 17.53 There is a significant need for affordable housing in the Borough as identified in the Strategic Housing Market Assessment and, whilst this application does not meet the 35% affordable housing requirement, it will nevertheless make a significant contribution to the Council's affordable housing requirements. The proposed affordable housing is not reliant on grant funding and will be provided as a mix of affordable rented units and shared ownership and/or shared equity units.
- 17.54 The provision of 15% affordable housing will provide 240 affordable units. It is proposed that a minimum of 10% of the affordable houses on each phase will be provided as affordable rent and a maximum of 5% of the units will be provided as shared ownership or shared equity. A total of 160 affordable rented units and 80 shared ownership or shared equity unit are proposed. With the shared ownership / equity units, the occupiers will be able to increase their ownership to 100%. It is proposed that the receipts from any sales of intermediate housing received are ring-fenced for providing affordable housing elsewhere in the Borough. With regard to the shared equity units prospective purchasers will need to acquire 80% of the value of the property. While this type of housing meets a housing need, it does not address the Council's housing priority need for housing and it is proposed that there is provision to accept a commuted sum in-lieu of these units (at the Council's discretion) for off-site affordable housing provision.

- 17.55 It is proposed that the type and size of affordable housing units in each phase will be guided by the Strategic Housing Monitoring Assessment and agreed by the Local Planning Authority.
- 17.56 In terms of delivery, it is proposed that no more than 40% of the private dwellings on each phase will be occupied prior to contracts being signed with RP for 50% of affordable units and that no more than 80% of the private dwellings can be occupied prior to contracts signed with RP for 100% of affordable units dwellings. It is also proposed that no new future phases shall start until 100% of the previous phase as be completed.
- 17.57 The affordable housing provision represents a considerable benefit of the proposal. It is proposed that the s106 / planning conditions as appropriate will control the distribution and delivery arrangements of the affordable housing. It is also proposed that the s106 agreement will include a mechanism for re-assessing the viability during the course of the development and this will provide for the provision of additional affordable housing should the economic situation improve.

Retail and the Neighbourhood Centre

- 17.58 The Core Strategy sets out a hierarchy for mixed use sites. Neighbourhood Centres are defined in Core Strategy Table CE1a and Core Strategy Policy CE2c. In the supporting text to this hierarchy classification, it is stated that Neighbourhood Centres as defined on the Proposals Map will provide shops and some other local services for the needs of residents in the local neighbourhood. The supporting text goes on to state that the Council's approach to the designation of neighbourhood centres is that they should normally include a grouping of several small units with an emphasis on retail sales. Core Strategy policy CE2C states that new housing developments should provide for the enhancement of existing Centres or create new Neighbourhood Centres where appropriate to provide for the needs of existing and new communities. New developments within Neighbourhood Centres should be designed to meet the needs of the local catchment and encourage sustainable travel behaviour.
- 17.59 Site Allocations Policy SA NGA2 identifies that the NGAUE is to create a neighbourhood centre as part of the overall development. It is essential that the scale of the neighbourhood centre is appropriate to provide for the needs of the new community and of a size to be viable over the long term to ensure the sustainability of the site. The applicants' supporting information outlines that the neighbourhood centre will include provision for convenience shopping, ancillary retail, community space, healthcare and small scale business floor space.
- 17.60 Development Policy DP7 states that Neighbourhood Centres as defined on the Proposals Map will provide shops and some other local services for the needs of residents in the local neighbourhood. This policy also states that the primary role of retail centres will be safeguarded.
- 17.61 National guidance on this matter is set out in paragraphs 23 to 27 of the NPPF. Paragraphs 24 and 26 are of particular relevance. Paragraph 24 states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 26 states that local planning authorities should seek an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sqm for retail,

leisure and office development outside of town centres that is not in accordance with an up-to-date Local Plan).

- 17.62 The Council's adopted SPD for North Colchester advises that the scale of the commercial facilities should be commensurate with the new population being accommodated within the area and should accord with the hierarchy of centres set out in the Core Strategy and Site Allocations Plan.
- 17.63 The application as originally submitted proposed a new neighbourhood centre comprising a mix of uses including commercial, retail, community and health uses (up to 6,500sqm gross floorspace); and included a foodstore of 5,500sqm gross / 3,450sqm net. The submitted Retail Impact Assessment states that the foodstore will need to meet the requirements of the leading supermarket operators with a scale of operation that will be able to compete successfully with other comparable stores in the town. The Retail Impact Assessment also states that the proposals are designed to provide facilities for the main food shopping that can serve the neighbouring areas in north west Colchester.
- 17.64 An objection has been received from Peacock and Smith on behalf of Morrisons Supermarket and the land owners of the Cowdray Centre on the grounds that the size of the proposed foodstore is significantly larger than a neighbourhood store (and therefore does not fit the Council retail hierarchy) and that the application is not supported by a sequential test (as required by the NPPF). The objection letter refers to Planning Inspectors decision to refuse a foodstore in Aylesbury which author opines has many similar characteristics to the current proposal.
- 17.65 MCC has raised an objection to the retail element on the grounds of the size of the proposed foodstore, its impact on the existing village centre and eastern neighbourhood and the timing of its delivery.
- 17.66 The principle of establishing a Neighbourhood Centre as apart of the NGAUE is established by Site Allocations Policy SA NGA2. The variety of uses proposed by the applicant for inclusion within the new Neighbourhood Centre is broadly in-keeping with the uses outlined in Core Strategy Table CE1b and the definition of Neighbourhood Centres found within the Core Strategy Glossary. The Spatial Policy Team has confirmed that there is not an objection in principle to the types of uses proposed.
- 17.67 The application originally proposed that a food store of 5,500sqm gross floorspace would be provided. A foodstore of this size was not considered to sit comfortably with the retail strategy as set out in the Council's adopted development plans. The Spatial Policy Team advised that the supermarket should be of a size more appropriate for a Neighbourhood Centre, such as that recently approved in Butt Road (the A1 food store comprised 2,702sqm gross/1,328sqm net tradable floor area). Following discussion with the applicant, the size of the foodstore proposed for this site has been reduced to 2,500sqm.
- 17.68 The comments made by Peacock and Smith in respect of the Aylesbury appeal are noted. However the important distinction in the Aylesbury case is that the relevant local plan stipulated a local sized food store of up to 1,000sqm net retail floorspace; in the case of the NGAUE, a maximum floorspace is not prescribed by the local plan. The Aylesbury appeal is however useful in that it set out three separate but related matters that should be considered in such circumstances:
- a) an assessment of the role of the food store;
 - b) whether or not that a sequential test is necessary; and

c) the impact that the food store would have on the town centre.

- 17.69 The proposed foodstore needs to be considered in relation to the adopted Local Plan, supplementary planning documents, the National Planning Policy Framework and other material considerations. The Local Plan makes several references to a Neighbourhood Centre being provided within the NGAUE. The Core Strategy, Development Policies and the Site Allocations DPD, all contain definitions of Neighbourhood Centre's which refer to 'small scale shops,' 'local services' and 'meeting the needs of the local catchment.' Development Policy DP7 and the explanatory text contain further details on the type of uses, the role, function and catchment expected of Neighbourhood Centres. The applicants accept in their retail impact assessment that a supermarket of the size initially proposed may be considered larger than envisaged for the Neighbourhood Centre.
- 17.70 The NPPF provides for the continuation of locally determined planning policies to define a network and hierarchy of centres to address a range of shopping needs. The use of the word 'hierarchy' in the NPPF reinforces the appropriateness of Colchester's Core Strategy policies which provide for differently scaled centres for different parts of the urban area. The NPPF puts the town centre at the top of the hierarchy as the preferred location for large retail outlets. The default threshold for requiring impact tests is set at 2,500sqm, which provides a useful indicator of what is considered to be a large scale retail use. The initial proposal for a supermarket of 5,500sqm (gross) clearly lies outside this threshold, indicating that it is larger than would be expected for a Neighbourhood Centre primarily serving a local catchment area. The revised proposals have significantly reduced the size of the proposed foodstore (2,500sqm gross) so that it is now broadly comparable with the neighbourhood centre on the Garrison (2,700sqm gross). The Spatial Policy Team is content that the scale of the food retail element is compatible with intended function of a Neighbourhood Centre. The reduction in the size of the anchor foodstore addresses the policy objection by MCC to the size of the foodstore. With regard to the issue of competition between the proposed foodstore and the existing village centre, Members will be aware that this is not a planning consideration.
- 17.71 Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The proposed neighbourhood centre at the NGAUE accords with the Council's local plan. The proposed food store is not however an existing centre (as noted by the objector) as the development has not been built. This point has been raised with the applicant and a sequential test has been submitted in support of the current development proposal.
- 17.72 The Council has recently published a Borough wide retail study which provides a foundation for considering the retail elements of this proposal. The study identifies that there is a surplus in convenience (food) expenditure which indicates there is scope for one large food store in the Colchester urban area in the short term (up to 2016.) As this is unlikely to be accommodated in the town centre the sequentially preferred site for this is within areas designated as Urban Gateway in local plan, such as the Cowdray Centre. In the medium to long term (2016 – 2026) there is a potential requirement for two new large food stores (subject to monitored long term population and expenditure growth).
- 17.73 The Council's Retail Study notes that if the proposed foodstore on NGAUE will be implemented by 2016 that this store in isolation is unlikely to harm the vitality and viability of designated centres, but the sequential approach and timing of the proposal are key issues. The Retail Study goes on to state that should the Council conclude that the

Cowdray Centre site is suitable for a large food store and is the sequentially preferred location in the short-term, then the large food store in the proposed neighbourhood centre could be delayed until after 2016, unless the applicant can demonstrate two new food stores by 2016 would not have a harmful impact. It should be noted that, at this point in time, the Cowdray Centre is allocated for mixed use development (not specifically retail) and planning permission has not been sought for a large retail (food store) on this site.

- 17.74 The submitted Retail Impact Assessment accompanying the planning application and the Council's recently published Retail Study note that the size of the food store proposed for the NGAUE would not adversely affect the viability of the town centre. There is no reason to disagree with this conclusion. To ensure that the proposed foodstore and associated uses remain compatible with the intended function of the Neighbourhood Centre conditions are proposed to control the size and mix of the proposed units.
- 17.75 The proposed Neighbourhood Centre and associated anchor store are directly linked to the creation and delivery of the urban extension. In other words, if the urban extension was not planned/ delivered in this location then the neighbourhood centre would not be being proposed on this site. For this reason it is considered important to attach a condition to prevent the development of the Neighbourhood Centre being developed in isolation from the proposed residential development. Conditions are also proposed to ensure that the uses and activities within the Neighbourhood Centre do not have an adverse impact on nearby residents.
- 17.76 Subject to the attachment of the aforementioned conditions, it is considered that the size and mix of uses proposed for the Neighbourhood Centre are consistent with the Council's adopted development plan policies and the NPPF.

Education

- 17.77 Site Allocations Policies SA NGA1 and NGA2 require education facilities (including secondary, primary, early years and child care) to be provided as part of the NGAUE development. The SPD for North Colchester states that the new schools should be well located to the neighbourhood centre in order to offer the opportunity for parents and pupils to make use of the facilities and space in the centre. The SPD notes that the secondary, primary, early years and child care facilities should be co-located to provide flexibility. The land required is estimated as 9.7 hectares.
- 17.78 The submitted application proposes a site of 9.79 hectares to accommodate primary and secondary schools. The applicant states that the size of the school site has been determined using the Department for Education and Skills (DfES) standard requirements for primary and secondary schools including their outdoor sports requirements.
- 17.79 The proposed school sites are located adjacent to the area of the proposed Neighbourhood Centre; in terms of location, the school site accords with the aspirations of the SPD.
- 17.80 Essex County Council has advised that based on the formula set out in Essex County Council's Developers' Guide to Infrastructure Contributions (2010 edition adopted as County Supplementary Guidance), a development of this size can be expected to generate the need for up to 156 Early Years & Childcare places (EY&C); 480 primary school places; 320 secondary school places and 64 post-sixteen places. Essex County

welcome the inclusion of land for education purposes and comment that the site could be used flexibly to provide a new primary school, EY&C provision and additional secondary school places. .

- 17.81 Essex County Council has advised that the proposed primary school provision (offering 420 school places) meets the majority of the need arising from the proposed development. The site identified for secondary school provision provides for delivery of a 1200 place school whose capacity significantly exceeds the needs arising from the proposed development. Essex County Council do however note that the size of the proposed school site is at the minimum end of the acceptable site area for the secondary school.
- 17.82 To ensure that the proposed education site is fit for use, Essex County Council commissioned a study from WPP Architects and MLM Consulting Engineers.
- 17.83 The County Council has advised that the shape of the proposed school site and its subdivision creates a number of constraints in potential school and playing field layouts. The County comment that the developer's indicative layout suggests that the peninsula section would house the primary school, with the larger area housing the secondary school. This suggested solution is problematic for the County in that the primary area requirement is less than the area contained within the peninsula section, whilst the larger area is under that required for the minimum 8 form entry secondary school site. The County do however note that there is an alternative layout solution that would be acceptable to them and accept that this could be delivered through the submission of a reserved matters planning application.
- 17.84 Regarding the submitted indicative access to the schools, the County Council has advised that to ensure compliance with the access criterion a condition needs to be incorporated into condition or legal agreement restricting access to the frontage of the school to pedestrians, cyclists and emergency vehicles only. The County also note that the Framework Plan shows a pedestrian access route partly between the primary school site and the neighbourhood centre. The Country has advised that this access route should be sufficiently wide to enable safe walking or cycling up to the schools. There is no objection to this suggestion. The County has also commented that application refers to building height limits on the schools at 10m whilst the buildings in the neighbourhood centre have a limit of 13m height. The County opines that this would prevent the secondary school from being partly three storeys in height. The height of the school building was first raised by County Council a year after the submission of the application and was not raised during pre-application discussions. The parameters of the current application do not permit an increase in the height of the school buildings from 10m to 15m. That said, the County Council could if so desired submit a planning application which considers and assesses such a change against the parameter of the Environmental Statement. Given this and the fact that part suggested three storey requirement is purely conjectural, it is not considered appropriate or reasonable to require an amendment to this application and the supporting Environmental Statement at this late stage.
- 17.85 The County Council note that the site contours are reasonably compliant over much of the site, however towards the south western edge of the larger (secondary school) site, the land falls away to a ditch line that runs between the peninsular section and the main (secondary school) sites. The gradient changes with some parts being as steep as 1 in 8, which is greatly in excess of the 1 in 70 criteria for a school site. The developer has

responded to these concerns and produced a drawing showing terracing of the site such that it steps down in the western corner adjacent to the ditch line. This suggested solution is unacceptable to the County Council due to the fact that the site area is at the lower end of the acceptable size, and given its irregular shape, the banking will reduce the useable area too greatly. The County Council has advised that the school criterion is for a consistent 1 in 70 gradient across the whole site and that it will be incumbent on the developer to provide an alternative proposal for the re-grading of the land.

- 17.86 The County Council has raised concerns in respect of the potential issue of noise pollution from the adjoining roads and has questioned the method used to measure noise and the interpretation of results. The County note that the proposed mitigation measures have been partially clarified following direct discussions with the applicant's consultants. The proposed mitigation measures indicate bunds and acoustic fencing along the A12 and the Nayland Road sides of the site. An illustrative drawing of the suggested noise mitigation measures along the A12 shows earth bunding and fencing would be constructed. The County has however commented that this drawing only provides a typical section and that the relative level of the A12 and the site varies along the length of the site boundary which may mean that a different solution is required to noise mitigation. The County Council has advised that they do not have an objection to alternative noise mitigation measures provided these do not result in an encroachment onto the proposed school site. The County acknowledge that that the current application is for Outline Permission only and that the full design of the noise mitigation measures has not taken place at this stage; the submitted details are however sufficient to indicate that the school site can be made acceptable. The County has advised that a noise environment not exceeding 55db LAeq (30min) must be achieved across the whole education site and there should be at least one area suitable for outdoor teaching activities where noise levels are below 50db LAeq (30min). To ensure that the site is made suitable for school use, the County has requested that there are condition requiring full details of noise mitigation measures (informed by update noise assessments) and the testing of these mitigation measures on completion. The County has also advised that this additional works is undertaken at the developers cost.
- 17.87 Concern has been expressed by the County Council regarding the potential air pollution and the methodology used for assessing air quality. Concerns have also been expressed by a local resident regarding the potential for poor air quality affecting the school site. The County Council's consultant has acknowledged that the methodology used at the time of the assessment conformed to the standards of the time it was completed. The County's consultant does not however agree with the opinion expressed by the applicant's consultant as to whether air quality applies to the school playground, mainly as the Defra statement is not conclusive. That said the County Council accept that the predicted air quality at the school sites is well below the annual mean pollution concentration limit of 40#g/m3 for NO2.
- 17.88 The County note the surface water drainage strategy for the development requires an easement through the education site. For this to be acceptable, the water must be transported through a buried pipe following a route determined by the layout of education buildings, hard play areas and sports pitches. Connections allowing the education land to drain into this system will be required but neither open ditches or on-site pumped solutions will be acceptable.

- 17.89 In addition to the key criteria for this site as discussed above, there are a number of other criteria by which site suitability is assessed for ECC school site. The proposed school site will need to comply with the County's set criteria prior to the transfer of the land.
- 17.90 The information provided as part of this outline application demonstrates that the policy requirement for education facilities is being met in terms of sufficient land. In terms of the location of the school, the school site is shown located next to the Neighbourhood Centre and therefore offers the opportunity for parent and pupils to make use of the facilities and space in the centre, as suggested by the Council's SPD. With the exception of the late suggested increase in the height of the school building, it is considered that the requirements of the County Council can be secured through a combination of planning condition or legal covenants.
- 17.91 It is recommended that the transfer of the school land and the construction of the school buildings and associated facilities are controlled through the legal agreement. It is also recommended that there is a requirement for the school facilities to be shared with the local community. If the school facilities are not delivered within a prescribed timeframe, alternative provision for indoor sports and other facilities will be made (and secured) through the legal agreement.
- 17.92 Essex County Council has advised that the maximum cost of education facilities attributed to this development is £14.6m, which may reduce (by up 12%) depending on the final mix of housing. The viability of this scheme is such that the development can not afford the requested contribution unless other s106 requirements (for example affordable housing) are significantly reduced. In addition to the serviced land, the applicant has proposed a contribution of £1m towards the cost of primary school provision. The application does not propose a financial contribution toward secondary school provision. The Planning Statement justifies this on the basis that the site identified for secondary school provision provides for the delivery of a 1200 place school and that the capacity of this school significantly exceeds the need arising from the current development proposal.

Community Facilities

- 17.93 Site Allocations Policy SA NGA1 and NGA2 identify a requirement for community facilities as a part of the NGAUE proposal and the planning application. The SPD for North Colchester states that at least one large community facility should be delivered as a part of this development. This should be provided either as a part of the neighbourhood centre or focused on the existing sports pavilion. The Provision of Community Facilities SPD was adopted in 2009 and sets out the Council's approach that unless the size of the development is large enough to warrant a new community facility on site, the Council will seek a financial contribution based upon the size of the development proposed.
- 17.92 A community centre is proposed as a part of this application and is shown to be adjacent to the existing Ford's Lane Pavilion at the Mile End Recreation Ground. The submitted Design and Access Statement notes that, although the proposed community centre is intended to form the primary focus of community activities, there is the potential for further community facilities provided at the site of the proposed neighbourhood centre.

- 17.94 The size of a new community building is based on a calculation of 0.75sq.m. floorspace per dwelling, up to the optimum size suitable. The minimum size for a stand alone Community Centre is 500sqm internal floor space and the maximum size is between 800 to 1000sqm. Community Officer advises these figures are based on enabling enough community activity to take place for the building to become self-financing and sustaining. The current development proposal generates a theoretical need for a building of 1200 sq m. The Community Officer has acknowledged that 1,200sqm is above the optimum size for a community centre and has endorsed the proposal to provide 1,000sqm as a part of this development.
- 17.95 The proposal to provide a community centre as a part of this development accords with the Council's development plan policies and supplementary guidance. It is proposed that the community centre will be delivered by an agreed trigger point by the developer (together with seed funding) and is considered to constitute a public benefit.

Green Infrastructure and outdoor formal sports areas

- 17.96 Development Plan policy DP 16 states that all new residential development will be expected to provide new public areas of accessible strategic or local open space. Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space.
- 17.97 The Council's PPG17 study states that 19.56 hectares of open space is required in the NGAUE if 1800 new properties are built.
- 17.98 The Council SPD advises that open space should be located so as to meet accessibility standards and to ensure that all homes are close to play space and open areas. The SPD notes that the A12, although in a cutting for much of its length, does give rise to localised noise and visual impacts; this land is not considered suitable for new homes but could serve the area as informal open space. In addition to the proposed strategic open space and the provision of formal sport pitches, the SPD for North Colchester required a series of smaller amenity area to be provided within each development area. The SPD states that each of these areas will be a minimum of 10% of the development area and will ensure the retention of existing individual specimen trees.
- 17.99 The proposed development provides for a total of 37.17 hectares of strategic open space and woodland. The Design and Access Statement notes that this space offers significant opportunities for biodiversity, sport, informal recreation and play. The strategic landscape areas and areas of formal open space are shown on the Landscape Development Framework.
- 17.100 The strategic open space identified on the Development Framework is over and above the 10% gross site area required by Development Policy DP16. The provision and future maintenance of green infrastructure, allotments, play areas, sports pitches and other areas of public open will be secured through planning conditions and/or the s106 agreement as appropriate.

Localism

- 17.101 It is clear that there is local opposition to the appeal development. This is demonstrated by the written representations of the local Member of Parliament, local councillors and individual objectors. Comment has been made that to grant planning permission for this proposal in the face of extensive local opposition would undermine the government's stated intention of empowering the local people to shape their environment.
- 17.102 The NPPF makes it clear that planning applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. As set out above, the principle of developing the application site has been considered through the adoption process associated with the Council's development plans; this process included extensive public consultation and examination in public by two Local Plan Inspectors (who found the Council's development plans to be sound). It is understood that MCC made comments on the local plan as a part of the public consultation exercise and had local Member representation on the Local Development Framework Committee. The Ward Councillors, MCC and local residents have therefore been fully engaged with the identification and designation of this land as a strategic housing site.
- 17.103 A key policy of the Coalition Government is to decentralise power to the local level and make local communities accountable for the decisions that affect their areas. Central to this has been abolition of the regional tier of planning, which includes the East of England Regional Spatial Strategy. With the revocation of the regional spatial strategy it is now the responsibility of the local planning authority to establish the right level of housing provision in its area, in the light of evidence based studies. In determining the right level of housing, the local planning authority also has a continuing duty to maintain a five year Housing Land Supply. This Council has not amended its housing land allocations as all the allocated sites are required to maintain an adequate land supply. The Council's evidence base (SHMA) demonstrates that there is a need for at least 880 new dwellings per year.
- 17.104 MCC refer to the planning documents prepared or under preparation by the Community Council (namely the Myland Design Statement (MDS), the Parish Plan and the Neighbourhood Plan) and state that these demonstrate Localism in action. While local involvement in the planning process is welcome, it is important to note that such planning documents (including Neighbourhood Plans) have be prepared in conformity with the Local Plan and are intended to shape and promote development not block it. The submitted application takes into consideration all formally adopted planning documents; no draft of the Neighbourhood Plan has been published and therefore can not constitute a material planning consideration in respect of this application.
- 17.105 The comments made that it would be inconsistent with localism that to grant permission for this development are incorrect. The local authority has a duty to determine applications in accordance with the development plan (which allocates the application for housing) and maintain a five year supply of housing land (which this site forms an integral part) . The Localism Act does remove these requirements.

Socio-Economic Issues

- 17.106 Core Strategy policy SD2 recognise the role of facilities and infrastructure in supporting the needs of the community and in supporting sustainable development. Policy SD3 focuses specifically on community facilities recognising that these can be at the heart of existing, as well as new communities.
- 17.107 Site Allocations Policy SA NGA2 which allocates the site for development identifies a number of proposed land uses which provide a range of social benefits. These include the neighbourhood centre, schools, new community facilities, open space and sports provision.
- 17.108 Development Plan Policies puts design and amenity at the centre of the development process, requiring applications to demonstrate social, economic and environmental sustainability.
- 17.109 The NPPF recognises that the planning system plays an important role in facilitating social interaction and creating healthy, inclusive communities. It recognises the importance of economic, social and environmental roles in delivering sustainable development and identifies the importance of interaction between these elements. The NPPF sets out Government policies for achieving sustainable economic development. Economic development includes retail and office uses (A & B class uses) together with public and community uses. The guidance in the document therefore applies the neighbourhood centre which forms part of the planning application. In relation to development management the NPPF provides that when determining a planning application for economic development “Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”
- 17.110 In a Written Ministerial Statement by The Minister for Decentralisation, issued on 23 March 2011 local authorities were advised that *“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.”*
- 17.111 Colchester is the largest district in Essex, accounting for some 12% of its population. It is also the fastest growing district in Essex and one of the fastest growing in the East of England. The Environmental Statement notes that in the number of unemployed (6.1%) in Colchester between July 2010 and July 2011 was lower than the average for the East of England (at 6.7%) and Great Britain (7.7%).
- 17.112 Colchester General Hospital is located to reasonably close to the site and provides acute care (including Accident and Emergency Care facilities). Further health care facilities are provided by the Colchester Primary Care Centre which is located immediately to the south of the Colchester General Hospital. There are also a number of surgeries in the area.
- 17.113 The Health Assessment submitted in support of this application estimates that the proposed development would generate the need for no more than two GPs and no more than two dentists. The Assessment states that enquiries made to local dentists and

doctor's surgeries indicate that new patients are being accepted at a number of the most local surgeries to the proposed development. This suggests that there is existing capacity. The Health Assessment does however note that new provision will need in order to meet the needs of new patients.

- 17.114 Concern has been raised that the proposed development will place an unacceptable burden on existing social / health infrastructure. The Health Authority has advised that there are currently no rooms at the Primary Care Centre available or suitable for accommodating the extra doctors or the other healthcare services that will be required. The Health Authority has advised that the proposed development will require an extra 2.29 full-time equivalent GPs and 121sqm of surgery space. To meet this extra demand a financial contribution of £241,177 has been requested (which has been calculated using a recognised NHS formula). It is proposed that this figure will be used to improve the Primary Care Centre in Turner Road. The Health Authority has also advised that all ongoing revenue costs, including those for the additional GPs and other staff, will be met from NHS budgets. Given the overall viability of this development, a contribution towards healthcare provision has not been secured. A building has been offered within the Neighbourhood Centre for a doctor's surgery; however officer have been advised that this is a more expensive option than improving existing facilities at the Turner Road centre.
- 17.115 The proposed development comprises residential-led mixed use development supported by a range of facilities including retail provision within the neighbourhood centre, community floorspace, primary and secondary school provision, and substantial open space and formal sports provision. The proposed development has been designed to encourage sustainable patterns of movement by locating key facilities within the site, and by promoting the use of alternative modes of transport to the car.
- 17.116 The main socio-economic benefits of this development during construction will be the creation of new jobs for the duration of the scheme's development, potentially 15 years or more. There is the potential for these jobs to be drawn from the local workforce, particularly given that both applicants have their headquarters within the East of England. There is thus the potential for the development to have a beneficial effect on local businesses and residents and this will assist economic growth within the Borough. The applicant has confirmed their commitment to providing opportunities for training and employment and this will be secured through the s106 agreement.
- 17.117 The proposed development will provide new commercial and community floorspace which will generate employment opportunities; the Environmental Assessment predicts that approximately 889 jobs will be generated by these uses. (In of view of the reduction in the size of the foodstore it is likely that number of number created as a part of this development will be slightly less than estimated in the Environmental Statement). The jobs created will provide the opportunity for a wide range of individuals with differing skills sets, experiences and qualifications and could include managerial, clerical, professional, administrative, education and health and sales roles. It is anticipated that the jobs are also likely to be a mix of full-and part-time posts across a range of sectors and job types
- 17.118 In addition to direct job creation, indirect or induced employment will arise from the development. This multiplier effect arises from the spending of wages by employees and of those supplying goods and services to the new businesses. The Environmental Assessment notes that the varying characteristics of the employment offer on the site

make it difficult to predict accurately what level of multiplier can be expected. A conservative estimate suggests that a multiplier of 1.3 could be applied to the local catchment. This would translate into a further 266 jobs being generated.

- 17.119 The concern has been raised that the supply of new housing is outstripping employment opportunities in Colchester and that if this continues the future occupiers of the proposed dwellings would be obliged to commute elsewhere to work. These concerns are appreciated. The core principles of the NPPF, set out at paragraph 17, make it clear that the planning system must be proactive about driving and supporting economic development. Colchester is one of the principal settlements in the north Essex and has made provision through its development plan land for strategic housing and employment; the Council will seek to encourage all appropriately located development opportunities. The Core Strategy seeks to promote a balance between housing growth and employment opportunities.

Design

- 17.120 Core Strategy Policy UR2 seeks to promote and secure high quality design. Encouragement is given to creative design and innovative sustainable construction methods. The Policy states that developments that are discordant with their context and fail to enhance the character and quality of the area will not be supported. Core Strategy Policy ENV1 also requires development to be appropriate in terms of its scale, siting and design. Development Plan Policy DP1 sets out design criteria that new development must meet. These require new development to respect the character of the site and its context in terms of detailed design and respecting and enhancing its surroundings. Further design guidance is set out the North Colchester Growth Area SPD, including an illustrative master plan.
- 17.121 In broad terms there are many similarities between the proposed Development Framework Plan and the Master Plan illustrated in the Council's SPD. The layout of Development Framework Plan and the Council's Master Plan are both informed by the existing landscape structure and the topography of the site. Notable differences include the alignment of the spine road, the relationship between the spine road and neighbourhood centre, a reduced area of open space to the south Chesterwell Wood and the configuration of the proposed school site. Whilst these differences are relatively subtle, they could nevertheless have a potentially profound effect on detailed design and overall townscape quality of the development. That said, the Council's SPD recognises that other solutions may prove equally relevant.
- 17.122 The planning application proposes up to 1,600 new dwellings and the Design and Access Statement notes that it is intended to provide a mix of houses and that this does not exclude the possibility of incorporating housing forms which respond to particular areas of need – such as housing for elderly people.
- 17.123 The majority of the proposed residential development will adopt a consistent approach in terms of the proposed building heights (2-2.5 storeys) and will be of a medium density (33dph). Where the most southerly residential parcels abut existing lower density properties on Bergholt Road, a reduced scale of development is proposed (2 storey buildings at 25dph). Similarly, on the western extremity of the site where residential parcels are immediately adjacent to the northern boundary of the golf course, it is proposed to reduce the scale and massing of development to reflect the more open character of this location. It is proposed that the scale of the proposed development will

increased in the Neighbourhood Centre (up 13m high) and that the immediate surrounding residential area will be characterised by buildings of 2-3 storey heights with an average density of 40dph. In addition to the parameter plans, the Design and Access Statement provides a Schedule of Building Dimensions which sets out a range of building depth and frontage length.

- 17.124 The concerns expressed by the Urban Design Officer in respect of the general consistency in buildings heights and residential densities and the potential for the creation of a monotonous environment. (The Urban Design Officer explains that this results from the inability of the proposed housing to respond to the topography of the site or create positive townscape interventions). These concerns are fully appreciated. The proposed 'uniformity' of the residential development in part stems from the requirement to robustly test the impact its impact on the surrounding area through the Environmental Impact Assessment but is also due to the desire of local residents for this type of built form.
- 17.125 The Urban Design Officer has also expressed concern that the size of the development parcels fronting the diverted A134 are poorly sized to achieve appropriately designed perimeter blocks. The configuration of these development blocks essentially reflects the proposed change from high to medium density development. The comments made by the Urban Design Officer are considered a valid concern and this has been raised with the agent who has responded that the design and layout of these parcels is a detailed design matter. The Urban Design Officer raises valid concerns in respect of the size of the development parcels. The applicant has however argued that the size of development parcel can be controlled through an agreed Phasing Strategy.
- 17.126 The neighbourhood centre will form a key focus for the development with its commercial and community activities as well as forming a key transport node. The central location of the proposed neighbourhood centre provides good access for both new and existing residents and is close to the schools and ensures active street frontage for the enterprises and facilities which will take up the units provided. The application states that the neighbourhood centre will be designed around a central square where pedestrian movements will be prioritised through the use of shared space as the primary street passes through the street. It is proposed that the built form to this central space will be compact with continuous active frontages which will help to define this key urban space and providing important enclosure.
- 17.127 Concern has been expressed that the relationship between the spine road and the neighbourhood centre; in particular there is concern that proposed urban square will be a car dominated and noisy environment. These concerns are fully acknowledged and it is accepted that the design and layout of the neighbourhood centre will require very careful consideration if these issues are to appropriately mitigated. These details will need to be controlled through the submission of design codes and the reserved matters planning applications. Concern has also been raised regarding the vehicular access to the main entrance of the schools and the potential safety issues that this may generate. These concerns will again need to be addressed through the submission of details at the reserved matters stage, although it is also proposed to attached a condition stating there should be no vehicular access (except in the event of an emergency) to the main school entrances.

- 17.128 The Council's SPD that shows the alignment of the main primary street serving this development meandering through the centre of the site, which will enable traffic speeds to be calmed naturally to 20mph. The Council's SPD states that the spine road will be an avenue, designed to have a unique character that is consistent over its whole length.
- 17.129 The submitted Framework Plans show the proposed primary street with a strong linear character and the road is pushed to the edge of the main residential development parcels. Concern was expressed prior to the application submission regarding the proposed alignment of the primary street and the ability of this design solution to restrict vehicle speeds to 20mph through effective traffic calming. Indicative sketches have been prepared indicating how vehicle speeds could be restricted to 20pmh. These essentially rely on raised tables and changes in surface materials rather than using the alignment of the road to naturally slow traffic down. The proposed alignment of the spine road also means that part of the new residential development will be sited more than 400m from a bus stop (the maximum distance people will generally walk); the adoption of a more central primary street would have avoided this. It is a requirement of the SPD that the spine road adopts a consistent landscape treatment. By pushing the proposed spine road to edge of the site, the landscape character of the street will be defined by the established hedgerows and structure planting (i.e. hawthorn hedging and oak trees). It will therefore be expected that the new landscaping will reflect / reinforce the existing character in terms of tree and hedgerow plant species. Notwithstanding the described shortcomings of the alignment of the Primary Street, these are not considered to constitute justifiable reasons for refusing this application
- 17.230 It is proposed to upgrade the existing access to the north of 225, 225a and 225b to an adoptable footpath/ cycleway. This access point is relatively lightly used at present and to ensure that the living conditions of nearby residents are not unduly unaffected it is the proposed to attach a condition relating to the detailed design and layout of new footpath / cycleway.
- 17.131 The parameter plans and Design and Access Statement establish the vision and design principles for the proposed development. It is recommended that conditions are attached to ensure that these principles are carried forward into the scheme itself. To help to ensure co-ordination between the different development parcels it is not considered unreasonable for a development of this scale to require the submission of a design code and for this to be reviewed during the course of the development.
- 17.132 The concerns expressed in respect of the lack of detail are noted. The current application submission is for outline planning permission with appearance, siting and landscaping reserved for subsequent planning approval. Specific detail on appearance and architectural detailing is therefore not required as a part of this application and will be agreed through the proposed design coding condition and reserved matters applications. The submitted Design and Access Statement does however set out some of the key appearance principles and concepts for architectural design to guide future proposals. It is intended that the Design Code and Development Briefs required through the discharge of planning conditions will have regards to these principles.

Residential Amenity

- 17.133 Development plan policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 17.134 The concerns expressed by local residents regarding the potential impact that the development will have on properties and the 'absence' of detail to enable them to make a proper assessment of the potential impact of this development are appreciated. The 'lack' of design detail is however inevitable in the context of an outline application of this type.
- 17.135 The proposed development will change the outlook for those living close to the site boundaries. Existing views over undeveloped parts of the site will be replaced by new houses. Given that the site is allocated for future redevelopment some loss of views is inevitable and, as Members will appreciate, the loss of a view is not a material planning consideration. That said, the parameters plans indicate significant areas of green infrastructure between many of the existing houses and the proposed development and where new development does back onto the existing housing a lower density of development is generally proposed. There is no reason to assume that the new dwellings should not be designed and orientated to ensure that existing living conditions are not unduly compromised. Those who would be affected would have the opportunity to comment on the details when they are submitted at the reserved matters stage.
- 17.136 Concern has been raised by some local residents that the proposed development would have a detrimental impact on their local amenity, in terms of construction noise and disturbance. During construction there would be some adverse impacts and these would be likely to continue for a considerable period of time. However, a planning condition will require a Construction Management Plan (CMP) to be approved and implemented. The CMP would contain good practice measures to limit the disturbance and inconvenience that may arise when building works are undertaken, especially on this scale and has successfully be employed on a variety of large scale of developments. The CMP would also require details on the hours of construction, the erection and maintenance of security hoardings and the emission of dust and dirt. In addition to the suggested planning controls, the Environmental Protection Act provide a variety of safeguards in respect of noise, air and light pollution.

Sustainability

- 17.137 The NPPF sets out the Government's overall approach to delivering sustainable development. Core Strategy ER1 encourages the delivery of renewable energy projects with developments meeting a target of 15% of energy demands through local renewable and low carbon technology sources. Development Plan Policy DP25 also encourages support for renewable energy schemes.

- 17.138 The submitted Design and Access Statement explains that sustainability is one of the key influences on the development concept. With regard to residential development it states that the residential development will seek to promote high standards of environmental sustainability, however as this relates primarily to reducing the resource consumption within the built development itself, further details on building design and incorporation of energy efficient features are to be provided at the reserved matters stage. A planning condition is proposed to ensure that this development achieves a high standard of environmental sustainability.
- 17.139 The planning application was accompanied by an Energy Assessment whereby various options for renewable energy provision are considered. The Energy Statement notes that all dwellings are to be designed to achieve appropriate levels of the Code for Sustainable Homes up to and beyond the 2016 trajectories. Non domestic dwellings are to achieve a Very Good Building Research Establishment Assessment Method rating before 2016 and/or emerging standards in accordance with non-domestic trajectories. The Energy Strategy submitted with this application states that further details are to be provided at the reserved matters stage for each phase.
- 17.140 MCC has raised objection to this development on the grounds that they do not consider the development to constitute sustainable development as the proposal (in their opinion) does not meet all of the principles set down in the NPPF. Objections to this application have also been made on the grounds that priority should be given to redevelopment of brownfield land as this is more sustainable than developing green field sites.
- 17.141 The application site is on greenfield land, so in terms of land use is not as sustainable as development on previously developed land. However, in terms of location, the application site is located some 2 km from the town centre with its shops and associated services and is also close to employment opportunities and leisure facilities; the railway station about is 0.5km from the southern boundary of the site. The Local Plan Inspector recognised this site as a highly sustainable location.
- 17.142 Regarding the development itself, a new Local Centre is proposed which is well positioned in terms of the residential area it is intended to serve. A community centre is proposed at the heart of the proposed development. There is no reason to assume that the local centre and community centre will not become the focus for daily activities of the new residents as envisaged in the Development Framework and the Design and Access Statement. The development would also provide a new primary school, which could be delivered at a relatively early stage in the development. Although the proposal does not have a large employment element, the new primary school, shops and associated uses would offer job opportunities. The development would provide parks, open spaces, sports and recreation grounds which would meet Council's standards and requirements; this has been welcomed by Sport England. There would also be new allotments which would encourage residents to grow their own food. These factors all combine to deliver a balanced and sustainable community with a high quality and socially inclusive design that meets the needs of its local area. The design of the houses is not to be considered at this stage, but there is no reason why appropriate energy efficient houses should not be achieved in association with proposed conditions.

- 17.143 The NPPF contains a presumption in favour of sustainable development where it accords with the adopted development plan. This requirement was further reinforced in the Ministerial Statement *Planning for Growth* which sets out the Government's clear expectation that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy.
- 17.144 The development proposal is considered to be sustainable in the widest sense of the term and accords with relevant development plan policies as well as the NPPF.

Heritage Considerations

- 17.145 Core Strategy Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Development Plan Policy DP14 states that development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. Central government guidance on the historic environment is set out in the NPPF in section 12.
- 17.146 Objections have been received on the grounds that the proposed development would have an adverse impact on the archaeology of the site and detrimentally affect the setting of nearby listed buildings, most notable Braiswick Farm House.
- 17.147 The application site has been subject to an archaeological desk-study and a comprehensive archaeological field evaluation. The desk-based assessment has identified thirteen archaeological sites within the immediate vicinity of the site. The majority are field names connected with the post-medieval brick and tile industry; two sites are of greater interest. One is an archaeological site excavated in 1973 which produced kiln 'wasters', indicating the proximity of medieval kiln; the second site was a reported area of burning which sounds like the description of a medieval kiln site. Neither of these sites survives today, the first having been covered by the realignment of the A134 Nayland Road, and the second having been destroyed by the construction of the A12 Colchester Northern bypass.
- 17.148 The Archaeological Report notes that on the question of manor boundaries, the map sources (specifically Chapman & Andre 1777) do not show any estates relating to the application site (whose boundaries might survive into the present-day landscape). There is no evidence of estates or manors within the site which pre-date 1600. The Archaeological Report notes that evidence from the 1875 Ordnance Survey suggests widespread grubbing-out of hedges since 1875.
- 17.149 The extensive prior evaluation, survey and excavation of the site means that should any unexpected archaeological sites or finds be revealed during the construction phase, they are unlikely to be of more than local importance and will not therefore prevent the redevelopment of this site. In view of this, it is considered appropriate that preservation by record would be the proportionate response and a condition which requires archaeological evaluation is therefore proposed.

- 17.150 The proposed development would affect the setting of Braiswick Farmhouse. Other 'nearby' listed buildings such as Church Farmhouse, Terrace Hall and the lodge at Terrace Hall are located some distance from the proposed development site and beyond the settlement boundary of the town. It is not considered that the proposed development will significantly affect the setting of these buildings. A number of locally listed buildings are located reasonably close to the application site. The immediate context of these building is however that of the existing urbanised conurbation and the proposed development will not have a significant impact on their general setting.
- 17.151 Braiswick Farmhouse is described as a late medieval timber-framed structure with considerable C19 additions. The significance of this listed building lies primarily in its inherent fabric and architecture. Nevertheless, significance can also be derived from the setting of heritage assets. The spacious rural surroundings form part of its setting and provide a contextual appreciation for this listed building. There is a duty, when considering whether to grant planning permission, to have special regard to the desirability of preserving the setting of listed buildings.
- 17.152 The proposed development will impact upon the setting of Braiswick Farmhouse. The proposed development will be adjacent to the north and east of this late medieval building with the spine road and landscaping separating listed building from the new housing. The proposed development will diminish the rural setting of Braiswick Farmhouse and result in some loss of connection between this listed building and its wider setting. The ability to see this building from the footpaths that cross the application site, will be restricted; closer views will be unaffected however.
- 17.153 It is considered that the extent of harm to the setting of Braiswick Farm will be less than substantial. Paragraph 134 of NPPF advises that such harm should be weighed against the public benefits of a proposal. These include assisting in meeting the required five year supply of housing land; the provision of affordable housing to help meet local housing needs; increased housing choice; promoting growth, including support for the construction industry during challenging economic circumstances, the provision of public open space and community facilities. These benefits carry very considerable weight in the determination of this application. When the harm and benefits are weighed together, the adverse impacts of the scheme on the setting of Braiswick Farmhouse are demonstrably outweighed by the benefits of this application. It also needs to be remembered that landscaping proposal will also serve to mitigate the impact of the development on the setting of Braiswick Farm.

Landscape Considerations

- 17.154 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. This policy goes on to state that the network of strategic green links between the rural hinterland, river corridors, and key green spaces and areas of accessible open space that contribute to the green infrastructure across the Borough will be protected and enhanced. The policy also adds support to development at appropriate locations to improve public access, visual amenity and rehabilitate the natural environment. Central Government guidance on conserving the natural environment is set out in section 11 of the NPPF. The Council's Landscape Character Assessment and Townscape Character Assessment also provide useful baseline evidence documents.

- 17.155 The application site occupies an urban fringe or what might be described as an urban/semi-rural location. The site and the immediate surrounding environs form part of a wider gently undulating plateau that is intersected by part of the Colne Valley that lies on the northern edge of Colchester. The land use within the site is predominantly agricultural. The field boundaries are generally well defined by hedgerows with mature trees; some drainage ditches run alongside the field boundaries. The Environment Statement notes that none of the hedgerows mark a pre-1850 parish boundary and on the basis of this landscape criterion do not represent important hedgerows as defined in the Hedgerow Regulations.
- 17.156 A total of 317 individual trees, 50 areas of trees and 31 groups of trees and 52 hedgerows have been identified as a part of the landscape survey work. The trees have been assessed and categorised in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Key tree species include Oak, Ash, Willow, Lime, Holly and Field Maple. The Council's Arboricultural Officer has confirmed that the submitted assessment forms an accurate record of the health and condition of the trees.
- 17.157 Most of the site lies above the 45mAOD contour line. There are localised high points to the west of Braiswick Farmhouse and near the Nayland Road / Fords Land roundabout. The land in the north western part of the site has a greater topographical profile and includes the upper side slopes of the stream valley containing St Botolph's Brook. The land in the western corner of the site drops down to the 30m AOD contour.
- 17.158 There are no nationally or locally designated important landscapes within the application site boundary. Severalls Hospital is located to the east of the site; the grounds of which are designated a grade II Historic Park and Garden. The Severalls Hospital Water Tower is a valued local land mark.

Visual Impact

- 17.159 A Landscape and Visual Impact Assessment has been submitted in support of the application. This evaluates existing landscape features and views and provides an assessment of the likely significant landscape and visual effects of the proposed development. The assessment employs the customary methodology, namely the Guidelines for Landscape and Visual Impact Assessment (GLVIA). The Council's Landscape Office has confirmed that the methodology followed is correct.
- 17.160 The Landscape Assessment notes that there is a strong structure of tree belts, tree copses and hedgerow trees in the vicinity of the site and that these serve to enclose both views within the site and views into and out of the site. Key tree groups which provide an important contribution to the character and extent of existing views include:
- Chesterwell Wood
 - Trees along the eastern and northern edge of the golf course
 - Trees around the Mile End Recreation Ground
 - Trees in the far south eastern part of the site

The submitted application proposes the retention of these groups of trees.

- 17.161 The closest views of the site are from residential properties adjacent to or close to the site boundaries and from the public footpaths that pass through the site or close to the site. A mixture of open and filtered views of the site may be obtained from housing located on the western side of Boxted Road, the eastern site of Nayland Road, the northern side of Braiswick Road and the western side of Mile End Road (including the smaller roads served off it). A mixture of open and filtered views of the site may be obtained from a number of public footpaths that pass through the site. Many of the views out of the site from the public footpaths are enclosed or filtered to varying degrees by rear garden vegetation or by trees and/or hedgerows on or near the site periphery. This peripheral vegetation and adjacent housing, including the near-continuous lines of houses along Mile End Road and Braiswick Road, provide a significant degree of visual enclosure to more distant views. Site visibility is further restricted to the south and west by the well-treed grounds of Colchester Golf Course. To the north views are obtained of the countryside beyond the A12. Notable landmark features that can be viewed from the site are: the Severalls Water Tower, the Church Spire of Myland Parish Church; the Town Hall tower; and Jumbo. The Environmental Statement notes that these views are worthy of retention either because they include valued features or because they provide an important contribution to the site character. The proposed condition requiring the submission of a Design Code will require parameters to be set regarding the retention of existing views of townscape features.
- 17.162 The northern and central parts of the site are visible from sections of the Essex Way. Views towards the site from the Essex Way are however typically enclosed by a combination of the rising land and by mature tree planting. In terms of distance views from the west, the Landscape Assessment illustrates that glimpsed views of the site can be obtained and how Chesterwell Wood and the trees on the north western edge of the golf course contribute to a well treed skyline. From Hilly Fields the buildings at Braiswick Park and on both sides of the Northern Approach Road dominate the views; trees within the Golf course and the site do however contribute to a largely well treed skyline. The site can also be glimpsed from the public footpath that descends from Balkerne Heights.
- 17.163 The Landscape Visual Impact Assessment considers the potential impact that the proposed development would have on the landscape setting of the site and its wider environment. The submitted assessment states that there would be significant changes to existing predominantly rural views obtained from footpaths that pass through the application site as a result of the introduction of the construction works and new built form into these views. The Environmental Assessment notes that existing residents along the western side of Mile End Road and the north-eastern edge of Braiswick Road would experience high levels of visual change (i.e. views changing from near distance views of fields and hedgerows, with occasional glimpsed views of existing housing on the far side of the site to near-distance views of housing).
- 17.164 In terms of the wider visual impact of the proposed development, the submitted landscape assessment considers these will be limited in many places due to the topography of the land and the visual enclosure provided by trees in the intervening landscape. The assessment also notes that the careful design of the new development will also help to mitigate the impact of the proposed development. The Council's Landscape Officer is in agreement with this assessment.

17.165 The Environmental Statement anticipates that the landscape and visual effects of the construction works will be controlled by a range of standard conditions that are typically adopted for large-scale construction sites. These measures to avoid or reduce significant adverse construction effects include careful topsoil storage, protection of trees/shrubs/hedgerows to be retained, control of dust, control of construction plant movement, use of hoarding to screen views of construction operations and use of directional lighting to control potential spillage from security lighting.

Green Infrastructure

17.166 The Landscape Framework (parameter plan MHC002/DPF/005/C sets out the broad landscape strategy for this site. This parameter plan indicates the type and disposition of open space and landscape features across the site.

17.167 The outline application indicates that 37.17 hectares of publicly accessible open space and woodland will be provided as part of the proposed development.

17.168 Strategic areas of the landscape are shown on the Development Framework (blocks G1-G26 and W1 &W2) and are intended to provide a network of new green infrastructure corridors that will serve to conserve, enhance and extend the existing landscape, visual and biodiversity resources and connect to off-site footpaths and areas of open space. The Environmental Statement explains that the new Green Infrastructure is intended to be multi-functional and will assist Colchester Borough's Green Infrastructure Strategy by providing opportunities for sports and recreation and biodiversity enhancement. The Environmental Statement also notes that the proposed Green Infrastructure will enhance connectivity between habitats and open spaces and that this, combined with significant new tree planting, will help to integrate the new development into its wider landscape setting. To ensure the delivery of appropriate Green Infrastructure, a planning condition is proposed requiring the submission of a Green Infrastructure Strategy which will complement the general landscape requirement and the ecological enhancement measures (both of which are subject to separate conditions).

17.169 The Spatial Policy Team, whilst acknowledging that green infrastructure can help to deliver multiple benefits, note that little information has been provided about the type of green infrastructure that is to be provided as a part of this development. It is therefore recommended that the Green Infrastructure proposals are fully developed through the submission of a Green Infrastructure Plan for the site. A condition is recommended requiring the submission of a Green Infrastructure Plan which provides a strategy for the implementation, maintenance and long term management of these area.

17.170 The Environment Agency has also confirmed that it is largely supportive of the proposed substantial green infrastructure network. The Environment Agency do however comment that the Framework plan suggests that the Green Infrastructure appears rather peripheral in the form taken and that some of the larger residential areas would benefit from being broken-up with greater green connectivity. These concerns are acknowledged. It is however important to remember that the proposals are submitted in outline form and while the strategic areas of landscaping are indicated on the parameter plans, the Local Planning Authority would expect the detailed design proposal for each area to demonstrate how the landscaping of the development parcels will integrate with the surrounding area.

- 17.171 An urban extension of the size proposed will inevitably result in significant visual effects both for existing residents in the general vicinity of the application site and on users of any public footpaths that pass through the proposed area. This in itself does not render the development the development unacceptable. It will however be important to ensure, at the detailed design stage, that the development sympathetically integrates into the existing landscape by retaining key features (such as structural planting and views). The Landscape Officer accepts, based on the information contained within the Landscape and Visual Assessment, that the development in long-distance views is unlikely to have an obtrusive impact on the wider landscape.
- 17.172 Objections have been made to this application on the grounds that it will result in the loss of 'green space'. It is accepted that many local residents have used the application site for recreational purposes, including dog walking. However, the land is in private ownership, and there is no evidence that it is subject to any Public Right of Way, or rights of access, other than the public footpaths that have been taken into account in the applicant's proposals. The public does not therefore have a general right of access to this land and the application will not therefore remove an existing 'good standard of amenity' as claimed by MCC and others. Moreover, it is important to note that the current development proposals provide a total of 37.17 hectares of publically accessible open space and woodland to which both existing and new residents will have access. The current proposal therefore actually enhances rather than reduces public access to a network of green spaces.
- 17.173 In the objection letter from Cllr Hayes commentary is provided on the potential importance of hedgerows and the letter requests clarification as to whether the hedgerows are "important" within Regulation 4 and Schedule 1 Part 2 of the Hedgerows Regulations 1997. The issue of whether any of the hedgerows within the application site are deemed 'important' under the Hedgerow Regulations has been raised with the Council's Landscape Officer. The Landscape Officer has advised that all of the hedgerows on site were assessed against the range of assessment criteria within the Hedgerows Regulations 1997 (under Schedule 1 Part 2) and none of the hedges were found to be classified as 'important' under these Regulations.
- 17.174 Notwithstanding the above, it is important to note that the current application proposes the retention of the majority of trees and hedges. Moreover as part of the current application it is proposed to enhance existing landscape features through new planting so as to create a high quality and locally distinctive landscape and public realm setting for the new development. Landscaping is clearly an important element of the development in ensuring that it acceptable in landscape and visual terms. Although a reserved matter, a number of requirements need to be incorporated, for example structural landscaping in accordance with Design and Access Statement and indicative sketches; conditions are proposed to address such matters.

Open Space, Sport and Recreational Provision

- 17.175 Core Strategy Policy PR1 states that the Council aims to provide a network of open spaces, sports facilities and recreational opportunities that meet local community needs and facilitate active lifestyles by providing leisure spaces within walking distance of people's homes, school and work. This policy goes on to state that the provision of public open space in developments should be informed by an appraisal of local context and community need, with a particular regard to the impact of site development on biodiversity. New development must provide for the recreational needs of new

communities and mitigate impacts on existing communities. Development Plan Policy DP16 states that in addition to private amenity space, all new residential development will be expected to provide new public areas of accessible strategic or local open space. Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space.

- 17.176 The Provision of Open Space, Sport and Recreational Facilities SPD was adopted in 2006 and sets out the approach to assessing the quantity of open space to be provided as part of new developments. The adoption of the new Local Plan (LDF) documents and the replacement of Planning Policy Guidance Note 17 by the NPPF supersede much of the policy context for the SPD as drafted. However, the mechanisms for calculating commuted sums for maintenance remain valid.
- 17.177 The application site covers an area of 103.74 hectare and proposes a total of 37.17 hectares of open space and woodland. This provision exceeds the policy requirement to provide 10% of the site area as public open space, although it should be noted that this includes land (particularly that adjacent to the A12) where the constraints are such that it is not suitable for residential development.
- 17.178 The Environmental Statement notes that the proposed Green Infrastructure corridors will allow for significant provision of recreational open space for existing and future residents, including formal open space, semi-natural open space, children's play facilities, allotments and community gardens. The potential for the Green Infrastructure to provide a wide variety of recreation is noted above. In addition to the provision of the proposed Green Infrastructure, the Council SPD for North Colchester states that a smaller amenity area will be created within each of the designated development areas and will be a minimum of 10% of each development parcel.
- 17.179 The Council's SPD and Play Strategy sets down a formula for determining the required level of play provision within new developments. Based on the Council's formula, the Parks Manager has advised that, using the figure of 2.4 person's average occupancy, the total area for equipped play is calculated at 0.192ha for children's play; a similar area is required for teenage play. The application proposes 0.19ha for children's play area and 0.19ha for teenage play; the application is therefore broadly compliant with the Council's adopted guidance. Parks Manager has also advised that there should be equipped play provision within 400m access of all residential properties.
- 17.180 The applicant has proposed a capped figure of £700,000 for the provision of play facilities. The Parks Manager has advised a LEAP would cost about £114,600 per site to install and adopt whilst a NEAP would cost £223,600 per site. Based on these figures, £700,000 would provide four LEAPS and one NEAP, which is on the low side for a development of this size and scale.
- 17.181 With regard to allotment provision, the Council's adopted guidance requires 0.2ha per 1000 population. Using the same occupancy figure as above, the Parks Manager has advised that 0.768 hectare of allotment will be required as a part of this development. The application proposes 0.75 ha of allotment; this figure is based on a more accurate occupancy rate of 2.34 persons per dwelling. The provision of allotments will be secured through the legal agreement and clauses will provide for its preparation with appropriate fencing, screening planting, water points and car parking.

- 17.182 With regard to the maintenance of open space (including allotments but excluding play areas), the applicant has proposed that this is offered to the Council with a commuted sum of £25,000 per hectare. (The applicant has advised that this is a blended figure based on the various proposed typologies of open spaces and the Council's standard costs for adoption). The Parks Manager has commented that, even as blended figure, this sum appears low. The Council's standard commuted sum for Public Open Space that is predominantly urban in character (e.g. short mown 'amenity' grass with a limited number of standard trees and street a commuted) and over a hectare in size is £54,700 per hectare whilst the commuted sum for existing woodland is £11,875 per ha and £40,800 per hectare for new woodland. The commuted sum for sport pitches is £87,700 per hectare. The Parks Manager has advised that he would not want to put the Council under further financial pressure by adopting public open space without an appropriate commuted sum. For this reason, consideration has been given to the possibility of forming an Estate Management Company to maintain and manage the public open space. The Estate Management Company would be set up and initially funded by the developer and would be able to collect and administer annual service charges from the occupiers of the development. The option of forming an Estate Management Company will be set out in the legal agreement and will take effect should the Council decline to adopt areas public open space. Areas managed by the Estate Management Company will be available to anybody wishes to use them from within or outside the development and this requirement will form part of the legal agreement. To ensure that open space and landscaping is maintained to an appropriate quality it is proposed that a Landscape and Woodland Management Plan forms part of the s106 agreement. The Parks Manager has confirmed that there is not an objection in principle to areas of public open space etc being maintained by a management company.
- 17.183 In addition to the open space provision, the application proposals include a total of 5.7 hectares of formal open space specifically for outdoor sport. The level of provision proposed meets the minimum recommend standard.
- 17.184 It is proposed to locate an area for outdoor sports pitches (two football pitches and a cricket pitch) to the south of the existing Mile End Recreation Ground. This site is both centrally located within the proposed residential development and well connected to the surrounding area by footpaths and cycleways. Sport England welcome the expansion of the existing playing field as this will allow sports clubs/teams that use these facilities to expand on the same site. The second sports area is located to the north of the development, adjacent to the A12. Sport England note that outdoor sports facilities will generate traffic and parking requirements and these will need to be incorporated into the development when the reserved matters application for this part of the site is considered.
- 17.185 The proposed outdoor sports facilities will necessitate ancillary facilities such as a pavilion/clubhouse for changing rooms, equipment storage, club facilities etc and car/cycle parking. A new community building is to be provided to the south of the existing recreation ground, which has the potential to accommodate ancillary facilities associated with sport pitches. The current application does not propose to provide a building to house changing rooms, toilets etc at the smaller of the two sports grounds sites. Sport England considers the provision of such facilities essential to ensure that the playing pitches/courts are fit for purpose. The Council's Sports Development Officer has advised "as the use of the northern site land is flexible and there is no determined proposal for the sport that it will accommodate, no built facilities are to be provided at that location". The viability of the scheme is also such that there is not funding available to provide a building on this site.

- 17.186 The layout and the ground quality of the sports pitches and a trigger for their provision will be set out in the legal agreement. It is proposed that the sports pitches are first offered to the Borough Council with a commuted sum for their maintenance. In the event that the Borough Council declines to adopt the sports pitches, a Management Company be responsible for their maintenance and management. This provision will also be secured through the s106 agreement.
- 17.187 As the planning application is submitted in outline form, the exact details and distribution of open space (and its various typologies) will need to be determined as part of future reserved matters planning applications. The legal agreement will also need to provide a mechanism for the delivery of the amenity areas within each development parcel. The Parks Manager has suggested that the public open space with each development area is provided prior to the occupation of 50% of the dwellings within the relevant area.
- 17.188 Sport England note that the proposed development is likely to create significant additional demand for indoor sports facilities such as sports halls, swimming pools, etc. Colchester Borough Council's PPG17 Open Space, Sport and Recreation Study (2008) assessed indoor sports facility needs and identified deficiencies for a range of facilities including swimming pools, sports halls and indoor tennis. Consequently, there is a considered to be a robust basis for justifying on-site or off-site indoor sports facility provision.
- 17.189 It is currently proposed to provide indoor sport facilities on-site by sharing the education facilities. It is however recognised that the timing of educational facilities within the development cannot be confirmed and in the short term the new residents will be reliant on using existing facilities such as Leisure World Highwoods and Leisure World Colchester.
- 17.190 The provision of the two schools will be the responsibility of a third party and at this stage it is not known when the schools will be built. It is proposed that the legal agreement secures the provision of the joint use of the education facilities; this approach is endorsed by Sports England. If indoor sports and recreational facilities cannot be provided by a joint-use agreement, alternative arrangements will need to be made through the provision of on-site facilities or improvements to existing Borough wide strategic facilities. The provision of these facilities will need to be funded through a cascade mechanism (as set out in the legal agreement) and/or by designing the community building to accommodate indoor sports provision.

Ecology and Biodiversity

- 17.191 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. This policy goes onto state that the network of strategic green links between the rural hinterland, river corridors, and key green spaces and areas of accessible open space that contribute to the green infrastructure across the Borough will be protected and enhanced. The policy also adds support to development at appropriate locations to improve public access, visual amenity and rehabilitate the natural environment. Development Plan Policy DP21 seeks to conserve or enhance biodiversity. The policy places stringent requirements on supporting ecological information being provided to demonstrate the degree of impact or harm (especially in relation to designated sites or species), the associated mitigation measures and measures to enhance biodiversity.

- 17.192 In addition to the above, consideration also needs to be given to the legislative framework set by the following legislation: The Wildlife and Countryside Act 1981 (as amended), Countryside Rights of Way Act 2000, The Conservation of Habitats and Species Regulation 2010 (the Habitat Regulations), Circular 06/2005: Biodiversity And Geological Conservation – Statutory Obligations And Their Impact Within The Planning System and the Hedgerows Regulation 1997.
- 17.193 Government guidance set out in Circular 06/2005 states that:
- “ It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”*
- 17.194 Under the Environmental Impact Assessment Regulations and the Habitat Regulations the Council has to be satisfied that it has sufficient evidence to enable it to make a judgment as regards to the likely significant effects of the development and the proposed mitigation are appropriate in the light of the submitted evidence.
- 17.195 An ecological impact assessment is presented in the Environmental Statement. This was supported by a series of desk-based surveys, a Phase 1 habitat survey which is supplemented by additional surveys in 2009 and 2010.
- 17.196 The summer nesting survey identified 4 Red list species; 5 Amber List species and 22 bird species on the Green List. The Skylark territories were within the open arable fields; the remaining three Red List Species (Turtle Dove, Song Thrush and Yellowhammer) were found in the hedgerows and woodland. During the winter assessments, 41 bird species were recorded, including five Red List species and five Amber List species.
- 17.197 The bat survey records three species of bat at the site; common pipistrelle, soprano pipistrelle and noctule. The results of the survey show that the woodland edge and mature tree lines and hedgerows across the site are important foraging areas, particularly for the pipistrell bats.
- 17.198 The Common Lizard is included on the UK Biodiversity Action Plan (BAP) Priority Species List. The very localised small number of reptiles identified as a part of the survey were found at the northern edge of the site; the Environmental Statement suggests that they are more associated with the embankment to the A12 and A134.
- 17.199 Badger activity was recorded in and around the secondary woodland on the site. An active five entrance badger sett was identified within this woodland towards its eastern boundary.
- 17.200 No breeding amphibians were found within any of the on-site ponds. Great Crested Newts were however identified in water bodies off-site on the adjacent golf course. The Environmental Statement opines that potential access of amphibians from the two ponds to the north of the golf course to the proposed development site is significantly restricted by the recently excavated ditch around the boundary of this part of the golf course.

- 17.201 The ecological survey identified Invertebrates biodiversity as being in the hedgerows and wooded areas of the proposed development site. While the Environmental Statement notes the individual species such as Stag Beetle do not have UK BAP Priority Species designation it does consider them to have value as a part of the wider ecosystem.
- 17.202 The Environmental Statement advises that surveys have established in broad terms that the application site provides habitats of generally low ecological value. The Council's ecological consultant and Natural England share the view that the application site is of relatively low ecological value and are both of the view that the focus should lie on habitat creation.
- 17.203 Concern has been expressed regarding the loss of plant species, in particular the Bee Orchid. The Council's Ecological consultant has advised that there is no reason to suspect that there are plant species of conservation significance within the site. In relation to the Bee Orchid, the consultant has advised that there is a general misconception over the significance of Bee Orchids, based on their appearance and a perception that all orchids are rare. Bee Orchids have no particular conservation value locally or nationally. They are widespread, somewhat opportunistic and respond to ground disturbance, readily colonising new sites. In the light of this advice it is not considered that the development would have a significantly adverse effect on this plant species.
- 17.204 The impact that the development would have on protected species and other wildlife has also been raised as a concern. Natural England, whilst not raising a formal objection in their initial letter, commented that several ecological surveys do not appear to have been undertaken in-line with best practice and, as such, do not necessarily give a representative picture of how wildlife uses the application site. The Council's ecological consultant has also advised that the ecological survey methodology do not appear to adhere to best practice.
- 17.205 The ecological survey methodology has been discussed extensively with the relevant professionals. The following summary represents the conclusions of these discussions:

Birds

- 17.206 A breeding bird survey was carried out between mid-May and July. This is not in accordance with best practice guidance and is therefore considered to be sub-optimal. While methodology (timing) of the bird survey is not generally supported, both Natural England and the Council's Ecological consultant have acknowledged that a possible under recording is unlikely to have significantly influenced the conclusions in the Environmental Statement.

Great Crested Newts

- 17.207 The Great Crested Newts (GCN) surveys were carried out late in the season and it has been explained that the reason for this was due to the below average rainfall throughout March, April and much of May. This is considered an appropriate response to the local conditions. The survey methodology (four visits and three different methods) accords with Natural England guidance. With regard to locations, four ponds were identified outside the application site with amphibian potential and several locations within the applications site were considered to have low potential. The additional information

supplied by the agent indicates that all on-site and off-site ponds were surveyed with multiple visits mixed techniques. There is not a concern with the approach described in the updated response. Overall the GCN survey is considered adequate to establish presence/absence at this stage; further surveys will however be required during the course of this development.

Reptiles

- 17.208 The additional information and further justification has been submitted with regards to the reptile surveys undertaken. Given the low potential of large parts of the development site for reptiles, the focus of the surveys efforts on localised areas of habitats is considered reasonable. It is however recommended that further surveys are undertaken during the course of the development.

Bats:

- 17.209 The overall approach to retain trees and hedgerows is supported. This approach would also avoid and mitigates impacts on potential roosts. Natural England has advised that, given this, a full roost survey is not required as a part of the outline planning application submission; roost surveys will however need to be carried out to inform the detailed design of the development where relevant trees or hedgerows could potentially be affected. While the bat survey methodology (in terms of timing, location and number of surveys) is considered to be sub-optimal, it is nevertheless considered sufficient to establish the presence of bats on this site. Given the scale of this development proposal, it reasonable to require the existing surveys to be updated prior to the commencement of each phase of the development. The supplementary bat survey work will then be used to inform the detailed design proposals and an appropriate scheme of mitigation.
- 17.210 As noted above, Circular 06/2005 provides that it is essential that the presence or otherwise of protected species, and the extent to which they may be affected by development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed. This Circular also states that developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.
- 17.211 Outline applications by their nature can present a greater challenge (when compared to a detailed scheme) in seeking to comply with the Environmental Assessment Regulations 2011. This is particularly case where the outline scheme is for a development covering a large area and will be implemented over many years. The Regulations require that sufficient information is submitted to enable the “main” or likely significant” effects on the environment to be assessed and the mitigation measures to be described. It is for the local planning authority to decide whether it is satisfied, given the nature of the project in question, that it has full knowledge of its likely effects on the environment. If it considers that an unnecessary degree of flexibility and hence uncertainty as to the likely significant environmental effects, has been incorporated into the description of the development, then it can require more detail, or refuse consent. It is thus a planning judgment as to the adequacy of the ecological information submitted, having regard to the law.

17.212 From the submitted ecological survey works it is reasonable to conclude what species are likely to be present on this site and the Environmental Statement assesses the potential impacts of this development on them. Relevant guidance indicates that the extent of survey work is a matter of professional judgement and should be proportionate having regard to site specific circumstances. In this instance, the survey work has identified the presence of various species and it is considered that further survey work is unlikely to render the originally survey information significantly deficient. The Council's ecological consultant has concluded that "*despite the inadequacies identified in the work carried out, experience would suggest that there are no ecological grounds for refusal that would be sufficiently robust, on their own, to withstand appeal.*" Natural England has expressed a similar opinion. Moreover, it also needs to be remembered that this is an outline application for a very large site that is likely to have a long (10-15 year) development period. It is not therefore possible at this stage establish with certainty how protected species would be using the latter phases of the site, nor what the layout and design of those phases would be. Consequently, supplementary surveys will need to be undertaken at reserved matters stage to up-date the information base and to ensure that an appropriate mitigation strategy is developed. In the context of a site of generally low ecological value and an overarching strategy which seeks to ensure that the most valuable habitats for wildlife are retained and enhanced, it is considered that conditions are appropriate mechanisms for ensuring that appropriate mitigations measures are in place to safeguard protected species.

17.213 The concerns expressed about impact on wildlife are noted. It is accepted that this development would result in the permanent loss of arable and pasture farmland. These habitats are generally of low ecological importance, however. The Environmental Statement predicts that construction work has the potential to affect the ecologically of the site. Mitigation measures, including the provision open spaces, habitat creation and enhancement, and long-term management planting will reduce the ecological impact of the scheme and in some cases is likely to have a beneficial effect for a range of plant and animal species. However, even with mitigation in place, the development will have some minor adverse ecological impacts. For example, the development will result in the loss open fields used for nesting by skylarks (a red listed species); the application does not propose any specific mitigation measures to compensate for this loss. Construction work also has the potential to cause minor adverse impacts to be experienced by foraging and roosting bats, reptiles and other nesting birds during construction. Detailed mitigation measures have not been proposed to address these effects. Planning conditions requiring further survey work and the submission of an Ecological Management Plan are considered necessary to establish an accurate ecological baseline and to ensure that appropriate ecological mitigation is provided. In the long term, the Environmental Assessment considers that habitat creation and enhancement will result in a positive contribution to biodiversity area and will be of a far better quality than that which will be lost to the development. It is important to note that Natural England has raised no objections to this application and considers that the proposal has considerable scope, if properly implemented and managed, to increase the biodiversity capacity of the area. This view is shared by the ECCOS, the Council's ecological consultant. The proposed ecological conditions would comply with the policies in the Framework, particularly in relation to protected species and to biodiversity interests within the wider environment. The requirement for ecological mitigation strategy would ensure that the development would provide a significant benefit in nature conservation terms.

- 17.214 It is considered that the ecological information is sufficient to enable a determination that complies with the Environmental Impact Assessment Regulations and the Conservation of Habitats and Species Regulations 2010. In forming this view, account has been taken of the advice provided by Natural England and ECCOS. It is considered that level of survey work and assessment is sufficient to establish the likely presence of, and therefore the potentially significant impacts upon, most habitats and species. The requirement for the submission and adherence of an ecological mitigation strategy is sufficient to ensure compliance with the Wildlife and Countryside Act 1981 in respect of nesting birds etc.
- 17.215 For the reason given above, it is considered that there is no significant conflict with the intentions of the development plan or the NPPF in respect of ecology.

Transport and Accessibility

- 17.216 Core Strategy Policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy. Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car travel and make the best use of the existing network. This policy also states that where possible improvements will be made to the urban road network to support sustainable development and to reduce the negative impacts of congestion.
- 17.217 The Site Allocations Plan notes that North Colchester is well located in relation to the town centre, the strategic road network and rail station. However, to accommodate the growth proposed successfully, it is important that an effective and integrated transport network is incorporated into development proposals. Policy SA NGA4 of the Site Allocations Plan states all development will be expected to contribute towards identified infrastructure projects. Policy SA NGA5 of the Site Allocations Plan relates specifically to NGAUE and states that the following infrastructure will be linked will be linked to the release of the greenfield site:
- Enhancements to the new A12 Junction 28
 - A12 demand management and access control measures
 - A comprehensive package of Travel Planning measures
 - The North Transit Corridor
 - Completion of the Northern Approaches Road
 - Improvements to the A133 Central Corridor
 - North/South Capacity improvement (A133/A134) - the provision of additional off-site highway works at but not limited to the Colne Bank, Albert and Essex Hall Roundabouts are likely to be required.
 - A bespoke package of public transport, cycling and walking measures
- 17.218 Development Plan Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 17.219 Paragraphs 29 to 41 of the NPPF provide guidance on transportation matters. Paragraph 29 states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 32 states that all development that generates significant amount of movement

should be supported by a Transport Statement or Assessment and the plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken-up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

17.220 Paragraph 34 advises that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 of the NPPF states that for larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

17.221 The adopted North Colchester Growth Area SPD elaborates on policies which are set out in the Council's adopted development plans. With regard to transportation matters the SPD notes that the NGAUE will require investment in off-site highway infrastructure which will be identified as part of the planning application process and secured through a legal agreement. The SPD does provide a summary of proposed changes to existing services and infrastructure that are considered necessary to enable the new development to be integrated into the existing highway network. These works include:

- A bus lanes in both directions along North Station Road (section past the Norfolk Public House) and through Essex Hall roundabout.
- New signalised North Station gyratory to replace existing North Station/Northern Approach Road junction;
- New bus interchange within North Station Gyratory;
- Widening of carriageway to allow two northbound lanes between Colne Bank and Essex Hall roundabouts
- New left slip lanes at Colne Bank roundabout for Westway to Cymbeline Way and Cymbeline Way to Station Way movements
- Widening of carriageway to allow two westbound lanes between Albert and Colne Bank roundabouts;
- Main vehicle access to the NGAUE in the Nayland Road/Boxted Road area
- Bus, cycle and pedestrian only accesses to serve new and expanding residential developments at New Braiswick Park, Northern Growth Area Urban Extension, Severalls Hospital site, plus employment in the North Colchester Business Parks area;

- Potential new bus route network for North Colchester area;
- New cycle and pedestrian network across North Colchester, links to the Hospital, the station and the town centre and links to the rural area across the A12.

17.222 In addition to the above 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 cycle and footpaths that connect to the wider network, by promoting accessible public transport services and by having a single point of access for car users at the north end of the site. With respect to the spine road through the development the SPD requires this to be designed to operate at 20mph and should incorporate a 3.0m cycle / pedestrian route where the main cycle route can not be located within open space.

17.223 Colchester Cycling Delivery Strategy Supplementary Planning Document promotes the importance of cycling facilities and seeks to ensure that new developments are planned from the outset to accommodate and give prominence to cycle infrastructure. The Cycling Delivery Strategy also confirms that encouraging people to cycle through the inclusion of measures in a package to be offered to residents could be beneficial.

17.224 The draft North Colchester Travel Strategy (NCTS) considers the needs of the transport network and the provision for transport within the development and policy context of the Core Strategy. The draft NCTS confirms that due physical constraints such as rail and road bridges, plus limited land availability, a policy of promoting sustainable travel modes is the main focus of the strategy. It continues by advising that new infrastructure upgrades should therefore be developed to help promote walking, cycling and public transport use as travel modes of choice. The draft NCTS also acknowledges that it will be important that existing road space is fully optimised and the strategy includes plans for maximising highway capacity where feasible. With respect to the NGAUE, the draft NCTS recommends that in order to make public transport attractive it is essential to ensure that public transport journey times are both reliable and minimised. The draft Strategy confirms the requirements for the provision of a bus gate onto Mile End Road and the provision of bus priority at the main site entrance in relation to the NGAUE. Limited weight is afforded to this document due to the fact that it has not been adopted; the NCTS does however constitute a useful background information document.

17.225 The application site is located approximately 2km to the north of Colchester Town Centre and some 500m (from its southern most edge) from the town's main railway station.

17.226 There is a limited highway network across the application site. The A134 runs through the northern part of the application site. From the Fords Lane junction the A134 is subject to a 30mph speed limit for a distance of approximately 150m. The national speed limit then takes effect for approximately 220m before reverting back to a 30mph speed limit through Great Horkesley. To the west of the Fords Lane roundabout, the A134 Northern Approaches Road is subject to 30mph speed restriction for a short distance before a 40mph takes effect. Boxted Road (located to the east of the application site) is subject to a 30mph speed limit until it extends over the A12. To the west of its junction with Nayland Road, Fords Lane provides a single carriageway road which serves residential dwellings on this street and Howards Croft.

- 17.227 Construction work has started on the final section of the major road scheme known as NAR 3 which will provide a link road through to the new A12 junction 28.
- 17.228 Currently the vehicular access to the site is by means of Braiswick Lane and Fords Lane; both points of access are narrow in width and, as the Council's SPD notes, provide no real capacity to serve future development. For this reason, it is proposed that the development is served via a new vehicular access.
- 17.229 The submitted planning application is an outline application but with details of access submitted for approval.
- 17.230 The Environmental Statement analysis of the transport consequences of the proposals are informed by the full Transport Assessment submitted in support of the application. To enable determination of access, the Transport Assessment provides a description of the network changes that are required to facilitate direct access to the development. The Transport Assessment also provides an assessment of the off-site impact of the development to allow for proper consideration to be made of the likely effects of the full development on the wider highway network. The ability of the local highway network to accommodate development during the phased delivery of the development is considered by the Transport Assessment.
- 17.231 The Environmental Statement notes that the access proposals will generally be a grade with the surrounding area and that they will mainly be taken off the public highway with the connection points to the existing adopted highway being undertaken under the Highways Act.
- 17.232 The scope of the Transport Assessment was agreed with the Highway Authority. The traffic flow predictions for the roads around application site have been produced, as requested by the Highway Authority, using the Colchester Area Saturn Model (CASM). The model enables the future impact of the development to be tested in a sound and robust manner and allows for the testing of mitigation options. The Highway Authority is satisfied that the assumptions that underpin the assessment are soundly based.
- 17.233 The proposed points of access to the proposed development comprise:
- A four armed roundabout access to Boxted Road approximately 350m north of the Fords Lane roundabout. The formation of this junction will require amendment to the existing access to Severalls Hospital's entrance. It is proposed that these works will be delivered through an agreement under Section 278 of the Highways Act. The new roundabout will include footpath that will link into the existing footpaths on Boxted Road. This junction would benefit from Street lighting and would be subject to a 30mph speed limit.
 - A new road (the Eastern Access Road) is to be provided between Boxted Road and the A134 Nayland Road. This highway will be provided as a 6.7m single carriageway road and will be subject to a 20mph speed limit. A 2.0m footway will be provided on the northern side of the carriageway behind a 2.5m verge; a 3.0m combined footway and cycleway will be provided to the southern side of the carriageway behind a landscaped verge.
 - A signal controlled T junction between the Eastern Access Road and the Nayland Road diversion is to be provided. A 3.0m combined footway/cycleway will be provided to the east of the Nayland Road Diversion connecting onto the provision on the Eastern Access Road and will be placed behind a 2.0m verge. To the west

of the Nayland Road diversion a 2.5m verge will form part of the adopted highway with a 2.0m footway provision adjacent. It is proposed that the junction would be subject to a 30mph speed limit.

- A single carriageway road forming the northern part of the Nayland Road Diversion is to be provided. It is proposed that a 2.0m footway will be placed adjacent to a verge of 2.5m on the Nayland Road diversion. To the east of the Nayland Road Diversion a 3.0m combined footway/cycleway will be provided adjacent to a 2.5m verge, which will form part of the adopted highway.
- A signal controlled T junction with the principal development access known as the Primary Street is to be created. The primary street approach to the Nayland Road diversion from the west will comprise a two lane approach which will be developed through the “Plaza” area that is intended to form the focal point of the entrance to the development. (The design of the plaza will be subject to reserved matter approval). It is proposed to provide 3.0m cycleway/footways to both the east and west sides of the Nayland Road Diversion adjacent to 2.5m verges. The Nayland Road diversion would be subject to a 30mph speed limit. The Primary Street would be subject to a 20 mph speed limit.
- It is proposed to provide a single carriageway link to the junction with Fords Lane at southern end of the Nayland Road Diversion. A 3.0m combined footway/cycleways adjacent to 2.5m verges on both east and western sides of the carriageway is to be provided. The Nayland Road diversion would be subject to a 30mph speed limit.
- The Nayland Road diversion will create the need for a new junction in the vicinity of Fords Lane. It is proposed that the existing Fords Lane connection is closed and that Boxted Road is restricted to buses, cyclists, taxis and motorcyclists. A Toucan crossing is proposed to the east of the new junction and will be designed to give priority to buses.
- Bartholomew Court is an existing access point to the western side of Mile End Road. It is proposed to create an access in this location for emergency vehicles, buses, motorcyclists, taxis, cyclists and pedestrians. Footways of 2.0m width are proposed adjacent to both the north and south carriageway edges. Access to the existing residential parking courts is to be maintained by the use of a formal access on the northern side, and a dropped kerb to the southern side of the route.

17.234 The Transport Assessment considers the phasing of the proposed highway works. The Transport Statement concludes that should Phase 1 of the development be formed on the area of land between the A134 Nayland Road and Boxted Road (the ‘triangle’ site), the A134 Nayland Road/Boxted Road roundabout would continue to operate within capacity in its current form. The Transport Assessment also considers the possibility that the first phase of the development taking place on the area of land that will ultimately be situated between the existing Nayland Road and the diverted Nayland Road (the ‘island’ site), with access being gained from the existing A134 Nayland Road. The Transport Assessment concludes that A134 Nayland/Boxted Road roundabout would continue to operate within capacity in this interim scenario. The Transportation Assessment also predicts that this junction would continue to operate within capacity with the release of both the ‘triangle’ and ‘island’ sites (which equates to approximately 425 dwellings). After the occupation of 425 dwellings, the Nayland Road Diversion would need to be completed and the Boxted Road/Nayland Road junction amended to provide a four arm ‘interim’ junction. The interim A134 Nayland/Boxted Road roundabout is predicted to accommodate up to 920 dwellings together with the neighbourhood centre uses. The final proposed form of the Nayland Road/Boxted Road junction would be required prior to the completion of 920 dwellings.

- 17.235 The proposed bus only access to the development from Bartholomew Court is to be created prior to the occupation of the 1150 dwelling. Prior to this buses will have to enter the site via the primary street junction from the diverted Nayland Road.
- 17.236 The proposed new junctions have been considered with respect to the adequacy of their design in terms of a swept path analysis and in terms of operational performance. The Transport Assessment demonstrates that the junctions will operate within capacity following the completion of the development. With respect to the adequacy of the design of the Access Proposals, a Stage 1 Safety Audit of the Access Proposals has been undertaken.
- 17.237 The Transport Statement notes that the general arrangement of the submitted access are not detailed design drawings but have been submitted to provide an acceptable level of detail for the determination of the proposed access arrangements. The Transport Statement suggests that Grampian conditions are used to require the submission of full design details for any individual component of the Access Proposals prior to the commencement of development served by that component of the works. Planning conditions are recommended to cover this matter.
- 17.238 The access drawings also show conceptual accesses for dwellings that front the link between Boxted Road and Nayland Road and/or are affected by the Nayland Road diversion. The Transport Assessment recommends that the specific location of the new access points is controlled by a condition. Again planning conditions are recommended to cover these details.
- 17.239 The proposal to create a new junction onto the diverted A134 at the northern end of the development site which will serve as the sole general vehicular access to the site accords with the guidance set out in the Council's SPD. A sketch drawing submitted in support of the application shows avenue planting along the diverted A134. An avenue of trees, together with other complimentary planting, will help to visually integrate the new road with the Northern Approaches Road and the countryside to the north of the application site. The successful integration of the avenue planting will depend on the selecting a species of tree that reflect the locality (such as oak or field maple). The Highway Authority has confirmed that there is not an objection to this proposal. A condition is proposed to secure the avenue planting to the diverted A134 and other primary roads within the development.
- 17.240 The Highway Authority has advised that the proposed access arrangements are, with the exception of the new junction onto Boxted Road, acceptable and have suggested trigger points conditions for the implementation of these works. The trigger points have been determined by the predicted impact that the traffic from the development would have on the access road and thereby ensuring that the capacity of the junctions is adequate and does not prejudice highway safety. With respect to Boxted Road junction, the Highway Authority has recommended that the design of this junction is changed from a roundabout to a priority junction and has accordingly recommended a condition to this effect.

17.241 As noted above, the Transport Assessment provides an assessment of the off-site impact of the development and proposes a package of work off-site highway works that are designed to mitigate the impact of this development on the surrounding highway network. The Transport Assessment considers the impact of the development at main junctions below:

- The A12 Junction 28 Roundabout
- NAR3 / Axial Way junction
- NAR3 Boxted Road junction
- NAR3 / Mill Road junction
- North Station / Bergholt Road junction
- NAR3 / Petrolea Way junction
- A134 Essex Hall junction
- A134 / A133 Colne Bank Junction
- A133 Albert Junction

17.242 The assessments are based on traffic forecasts provided by Essex Country Council at the open year of the development (2016) and the final year of the Core Strategy (2023). The traffic assessments are based on standard trip generation characteristics for types of development proposed. This development is considered to be in a highly accessible location and therefore given trip rates to reflect this. This does not make a specific allowance for any modal shift in traveller behaviour from the proposed site.

17.243 With respect to the matter of the off-site improvements, it is proposed that no part of the development is occupied until the NAR3 between Mill Road and Axial Way is open to general traffic. This is now under construction. Improvements to the A12 junction are proposed prior to the occupation of the 250th dwelling. Improvements to the NAR3 / Boxted Road link and NAR3 / Mill Road junction are proposed by the occupation of the 460th dwelling.

17.244 With regard to North Station, the findings of the Transport Assessment states that the existing junction will have adequate capacity once the NAR3 has been connected to the new Junction 28 of the A12. The Transport Assessment does however note that the operation of the North Station junctions will fail to provide adequate operational performance due to complexity of vehicle and people movements in the area around the railway station. The Transport Assessment opines that an improvement scheme at this location is therefore required regardless of whether the NGAUE is developed. The Transport Assessment accepts that the development will increase traffic in the North Station area and proposes improvement works to mitigate the impact of this development. The initial submission proposed the introduction of a complex signal controlled junction at Essex Hall. The Highway Authority considered that these works provided an over engineered solution and a revised scaled down scheme has now been submitted for a partial signalisation arrangement of the Essex Hall roundabout. The Transportation Assessment also identifies improvement works to the of the Colne Bank roundabout. These works include the widening of Station Way between Essex Hall Roundabout and Colne Bank Roundabout to provide four full width running lanes and an enlarged dedicated left slip lane between Station Way and Colne Bank Avenue. The works to Station Way are to be completed prior to the occupation of 1050th dwelling.

- 17.245 In addition to the above works it is also proposed to complete the shared footpath / cycleway between the development site and the existing Tufnell Way route to the railway station. It is proposed that this work is to be undertaken prior to the occupation of 1150th dwelling and will also include the provision of a Tucan Crossing.
- 17.246 Outline planning permission is sought for the principle of pedestrian and cycle access points onto Bergholt Road using existing rights of access and for the provision of internal circulation routes, including provision for a primary street network. A specified local diversion of footpath number 41 in the vicinity of the Old Rose Garden, south of Braiswick Lane is also proposed.
- 17.247 Movement within the site is shown on the Movement Framework Plan and makes use of on street pedestrian and cycle routes, together with dedicated leisure routes for cycles and pedestrians as part of the green space network. A network of traffic calmed streets (designed as 20mph streets) will provide for vehicle movements, including public transport routes.
- 17.248 The Design and Access Statement explains that the proposed movement network is made up of a robust and legible hierarchy of streets which ensure that Colchester North is a coherent place that is easy to negotiate and has a clear structure. The highest order street is the primary street, the sole primary route within the development, the alignment of which is shown on the Movement Network plan. The spine road is intended to carry all the general traffic to the site's access onto the A134. The Design and Access Statement states that a fundamental component of the design of the primary street is keeping vehicle speeds at 20mph or below. The requirement for vehicle speeds to be limited to 20mph or less constitute an integral part of the concept of this development and a condition to this effect is therefore recommended. Secondary and tertiary streets will carry a lower volume of traffic as it is distributed more evenly throughout the development, into the heart of residential areas. The Design and Access notes that the roads are to be designed using the principles set out in the Department for Transport (DfT) Manual for Streets one (2007) and Manual for Streets two (2010). It is proposed that the detailed design of the spine road and the hierarchy of streets that lead from it will be controlled through the Design Codes and the submission of reserved matters applications.
- 17.249 The local highway authority (Essex County Council) is satisfied that, subject to the mitigation measures proposed by the applicant, there would be no unacceptable adverse impact on the safety or free flow of traffic on the local or strategic road network. The Highways Agency has also confirmed that it is satisfied that the development would cause no adverse impact on the strategic road network. The required mitigation measures to deal with potential safety and capacity issues are to be secured by means of planning conditions or via the legal agreement as appropriate. That the responsible highway authorities have not raised an objection to this application is a material factor of some weight.
- 17.250 Many of the objectors do not share the views of the Highway Authority and the Highways Agency regarding the impact that traffic generated by the proposed development will have on the surrounding road network. The main fear expressed by local residents and others is that the development will create an unacceptable increase in traffic with resultant problems of congestion, accidents, noise and disturbance.

- 17.251 The concerns expressed about the traffic implications of a development of this scale are fully appreciated. It is however important to note that the application is identified as an allocated housing site for 2,200 houses in the local plan. In allocating this site for housing consideration will have been given to the site's constraints, including whether this proposal is deliverable without overly burdening the local transport network. The Local Plan Inspector found the allocation of this site for housing (and associated mixed uses) to be sound.
- 17.252 Concern has been raised by MCC that the methodologies used to assess the transport impact of the development are not appropriate or utilise incorrect or out of date data. This concern has been raised with the Highway Authority and they have advised that the Transport Assessment has been prepared fully in accordance with the appropriate guidance and has been the subject of a specific technical scoping study that was agreed by them and the Highways Agency. The transport modelling work carried out has been completed in accordance with both the DfT's Guidance on Transport Assessment and the Highway Authority's Development Management Policies (adopted as County Council Supplementary Guidance in February 2011). The Transport Assessment is based on data extracted from the County Council's Colchester Area Saturn Model (CASM). This was built using a vast quantity of survey data collected in 2007. Although this is sometime ago, it represents a time when traffic flows were higher than they are now and therefore provides the basis for a robust assessment. The junctions have also been assessed using standard transport planning industry software. The methodology used for assessing the traffic implications of this proposal accord with the industry standard best practice and is considered to be robust.
- 17.253 MCC has suggested that the Transport Assessment is inadequate because it fails to consider the impact of the Horkesley Park Heritage Centre proposals, which is currently the subject of an appeal. The NGAUE Transport Assessment considers all growth planned growth within the development plan. The Transport Assessment does not consider the Horkesley Park development as this development proposal does not form part of the adopted development plan. This approach accords with good practice. The Transport Assessment submitted as a part of the Horkesley Park proposal will need to have considered all the growth planned as a part of the development plan and the traffic implications of the proposed heritage centre. MCC supported the Horkesley Park planning application and therefore presumably accepted the conclusions of the Horkesley Park Transport Assessment that the planned for growth plus the Heritage Centre would not have an adverse impact on highway capacity.
- 17.254 MCC has raised an objection to this application on the grounds that the explanatory text to Core Strategy Policy TA1 requires the Council to adopt transport strategy for North Colchester and no such document is in place. Policy TA1 relates to accessibility and changing travel behaviour. The supporting text to Policy TA1 states that the "Council will in partnership with ECC prepare a comprehensive transport strategy for Colchester to supplement the Core Strategy". The supporting text goes on to state that the strategy will seek to improve accessibility and sustainable travel behaviour. The North Colchester SPD has been adopted as supplementary planning document and provides a framework for traffic and transportation in the local area. In addition to this adopted SPD document, the Borough Council has worked closely with Essex County Council on production of the Essex Integrated County Strategy and the Colchester Borough Local Investment Plan which provide a further guidance framework for the assessment of transport related proposals in Colchester. The current application takes into consideration the existing policy framework and has been assessed against this context. The planning application

seeks to promote accessibility and sustainable travel and is considered to accord with Policy TA1.

- 17.255 Comment has been made that it would be premature to determine this application in advance of the Council adopting the draft North Colchester Travel Strategy. The Council's adopted development plans and the North Colchester Growth Area SPD all identify a package of infrastructure measures which take local circumstances into account. The draft travel strategy sets out a potential timeline of delivery of infrastructure and services alongside the development. The purpose of the developing a travel strategy was to give an overview on growth in Colchester and the impact of development on the transport network. The forecast pressures on the transport network referred in the draft travel strategy consider all the growth up to 2023 across Colchester. It is however important to note that the draft travel strategy does not apportion the impact from the various developments nor the mitigation works that are to be funded by a particular development. There is no requirement for the Council to adopt the North Colchester Travel Strategy. It is also not correct (as some have stated) that the development of NGAUE can not proceed until the travel strategy has been adopted. The draft travel strategy sets out one way to help deliver sustainable growth in North Colchester; the applicants have proposed a series of measures to mitigate against the impact of the proposed development and promote sustainable growth. The fact that there are differences between the draft travel strategy and those measures proposed as a part of the current application does not render either package of works incorrect.
- 17.256 Concern has been raised that there is an assumed reliance on modal shift - i.e. local residents switching from the private car to other modes of transport. Further comment has been made that the modal assumptions made in the draft North Colchester Transport Strategy (NCTS) are unrealistically optimistic. The conclusions of the submitted Transport Assessment do not rely on the modal shift aspirations of the draft North Colchester Travel Strategy. The Transport Assessment does model the modal shift assumptions away from private car usage as aspired to under the draft travel strategy (Scenario 7) but explains that this has been included for information purposes only. Whilst the Transport Assessment and conclusions drawn from it do not rely on the reductions in car travel aspired to by the NCTS the proposed development does seek to encourage sustainable travel choices in accordance with the Council's development plan policies and supplementary planning guidance.
- 17.257 Representation to this application has been made regarding the proposal to have a single access point (for general vehicular). Representation has also been received in support of this proposal. The proposed single point of access for general vehicles accords with the Council's adopted SPD for the Northern Growth Area. This document explains that the NGAUE Masterplan deliberately shows a sole general vehicle access at the northern end of the site and that the intention of this is to discourage private vehicle trips and encourage more sustainable modes of travel such as public transport, cycling and walking. Some letters of representation consider a single point of access to be dangerous, particularly in relation to emergency vehicle access. Whilst general vehicular access is from a single point of access to the north of the site, emergency vehicles will be able to access southern entrance point via Bartholomew Court. The Essex Fire Service and North East Essex Health Authority have been consulted on this proposal and neither has made representation to this application in respect of the proposed access arrangement.

- 17.258 A number of representations relate to level of existing traffic congestion and the assumed traffic impact of the development. A significant number of these objections specifically refer to congestion in the North Station area. The Transport Assessment submitted as part of the planning application includes assessments of the traffic impact from the development on the local highway network. Junction capacity assessments have been undertaken using forecast traffic flows from various scenarios that were agreed in advance with the Highway Authority. Where the development was predicted to have a material traffic impact, highway improvements have been identified and assessed. It is important to note that the Highway Authority has not raised an objection to this application and considers that with the implementation of the identified mitigation measures, the proposed development will not have a material impact on the operation of the local highway network. In other words, by the completion of the development and following the implementation of the agreed highway works, the status quo in terms of traffic would be broadly maintained at the existing level of pressure. The concerns expressed by local residents that the existing level of traffic is already unsatisfactory due to the pace of growth in the relatively recent past are acknowledged. Indeed it is understandable in the circumstances, that a single development proposal to construct up to 1,600 additional dwellings is perceived as too much for the community to absorb. It is however important to remember that this development will be built out over a period of time and the planning obligation makes provision for this in terms of a stepped requirement to undertake highway works as specified thresholds are crossed. With specific regards the North Station area, the assessments have shown that the proposed improvement at the Essex Hall junction, which involves the remodelling the existing roundabout and the introduction of a signalised junction, will mitigate the impact of the development in this area.
- 17.259 The Education Authority has commented that, if funding is not available for the construction of a secondary school at this site they could require pupils to travel to schools south of North Station and that this could have an impact on traffic in the area. This point has been discussed with the Highway Authority. The Highway Authority has advised that the CASM model is validated to base traffic flows and has factored in growth up to 2023. These flows include existing school trips. Trips to/from NGAUE have then been calculated using TRICS and distributed throughout the network as per the model's normal distribution patterns. A good proportion of these are bound for the town centre and Colne Bank where St. Helena is situated. Given that residential development trip generation includes all trips, (i.e. includes school trips) it is reasonable to assert that school trips, just like any other trip, have been included in the modelling. In view of this, the Highway Authority is content that the Transport Assessment adequately considers the school trip through North Station. The Highway Authority do however note that providing a secondary school at the NGAUE would have a beneficial effect on traffic volumes in the vicinity of the North Station when compared to those tested in the Transport Assessment.
- 17.260 West Bergholt Parish Council has raised concern that traffic from the proposed development will have an adverse impact on the rural communities. The Highway Authority has advised that the likely increases in traffic as a result of the proposed development would be well under the level needed to require a capacity or safety analysis in accordance with both the DfT's Guidance on Transport Assessment and the Highway Authority's Development Management Policies (adopted as County Council Supplementary Guidance in February 2011). In terms of traffic flows, the Highway Authority has advised that the CASM shows that the potential impact of this development would be minimal through West Bergholt.

- 17.261 Some objectors have also suggested that congestion on the A12 is an issue. The Highway Agency has been consulted on this proposal has confirmed that, subject to some minor works, they have no objection to this application. The Highway Authority has also advised that the proposed development will not have a detrimental impact on the capacity and or safety of the A12 junction (subject to the proposed mitigation measures).
- 17.262 RHDV, MCC's Highway Consultant, has questioned the vehicle speeds adopted for the modelling work through Severalls Hospital. Other concerns have been raised about the potential highway implications of developing the NGAUE at the same time as Severalls Hospital site. The Highway Authority has confirmed that the way in which the CASM has modelled traffic through the Severalls site is correct. The east-west route through Severalls Hospital, although used by buses, will be traffic calmed to achieve a 20mph limit. It is intended that the design of this road will be such that it will dissuade through traffic, albeit it is accepted that some people may chose use this route. In order to artificially simulate the impact of traffic calming, the model fixed the route at 17kph (approximately 10mph). If the model had been set at 20mph this would have over-estimated the number of trips through Severalls. The Highway Authority recognise that the fixing of speed limits to influence demand on a model is very much an inexact science but is nevertheless considered to generate an acceptable result for the purposes of illustrating this traffic movement. It is not considered that traffic from the NGAUE development would lead to an unacceptable highway capacity and/or safety issue with the Severalls Hospital link road. It is not considered that the concurrent development of both the Severalls Hospital site and the NGAUE would generate significant highway implications. Each site would provide its own impact mitigation and this would be controlled through the discharge of planning conditions and via a Section 278 Agreement. The Highway Authority has also advised that New Roads and Street Works Act 1991 provides them with additional controls, particularly in terms of the need for the developers to book road space to construct the highway works.
- 17.263 Concern has been raised that Fords Lane and Howards Croft residents will lose their direct access to the A134 due to the removal of Fords Lane from the existing roundabout. The illustrative Master Plan identifies that these properties will be provided with access onto the A134 a short distance from the existing roundabout. It is recommended that there is planning condition that requires an approved access scheme to be developed to serve properties on Fords Lane and Howards Close. A similar situation occurs to properties on Nayland Road, as noted by RHDV, Myland Community Council's Highway Consultant. Again it is proposed that there is a condition proposed that requires an approved access scheme to be developed at this location.
- 17.264 MCC has raised concern that the design of the Primary Street immediately to the north of Braiswick Lane is dangerous and requires some land protected for the community by Fields in Trust. The detailed design of the Primary Street (and other estate roads) will form part of the reserved matter application and the suggested Design Coding conditions. The general design and alignment of the Primary Street has been discussed with the Highway Authority and they have not raised to the route of this road nor the manner in which it crosses Braiwick Lane.
- 17.265 Comment has been made regarding the status of Braiswick Lane; in particular concern has been expressed that it has not been shown how existing Rights of Way along the lane will be maintained. The owner of Braiswick Farm has stated that they have free and unfettered access along the lane. The status of Braiswick Lane as a Public Right of Way

is to be maintained as a part of this planning proposal. The Transport Assessment notes that an engineering measure will be required to maintain access for existing properties on Braiswick Lane whilst also ensuring no through traffic from this development will use this lane. The specification of the engineering solution is to be controlled by a planning condition and it is to be agreed prior to the implementation of that phase of the Primary Street. Possible solutions could take the form of a barrier or rising bollards which could be controlled remotely or by a key card access.

- 17.267 Concern has been expressed regarding the impact that the development proposals will have on access to properties on Mile End Road opposite Bartholomew Court. The proposals do not physically alter in anyway access to existing properties in Mile End Road. It is proposed that access beyond Bartholomew Court will be controlled by a bus gate. A minimal number of vehicles will therefore use this route and, as such, it is not considered that this would generate significantly adverse impact on the amenity of nearby residents. Concern has also been raised at the suitability of the road as a bus access route. The Highway Authority has that the proposed access has been the subject of a Stage 1 Safety Audit and the detailed design of the road will be subject to the standard detailed design adoption procedures. There is no objection from a highway safety perspective to the use of this road as a bus / emergency access to this development.
- 17.268 Representations to this development have been raised on the grounds that existing on street parking along Bergholt Road can impede the free flow of traffic and that this will get worse should the NGAUE proposals be approved. Parking restrictions (double yellow lines and peak period parking restrictions) are currently in place on at least one side of Bergholt Road in the general vicinity of the site. It is not proposed to provide a vehicular access to the NGAUE from Bergholt Road. There may be a small increase in traffic using Bergholt Road as a result of the NGAUE but not the levels that might have been expected had vehicular access been proposed onto Bergholt Road. It is not proposed to alter the existing waiting restrictions in Bergholt Road and any small increase in traffic as a result of the NGAUE is unlikely to impact on highway capacity and/or safety to an extent whereby the applicant would need to provide mitigation measures.
- 17.269 The concern has been expressed by objectors that the increase in traffic associated with the proposed development will have a detrimental impact on the amenity of existing residents, particularly in terms of air and noise pollution. The Environmental Statement does not predicted that the traffic generated by this development will have a significantly detrimental impact on the amenity of nearby residents. It should be noted that Environmental Control has not raised any fundamental concerns regarding the potential for noise pollution from vehicular traffic.
- 17.270 Objectors have raised concerns about the effects of increased congestion and additional vehicular traffic on air quality both within the development itself and the surrounding areas, in particular North Station. The concerns raised include the potential health problems associated particulates in exhaust emissions which can lead to asthma, cardiac complaints and lung disease. The Council's Environmental Control Team has fully considered the air quality information and has advised that this demonstrates that the proposed development would not cause any exceedances of the air quality limits for NO₂ or particulate matter. It is also important to note that a comprehensive mitigation package is proposed as a part of this application and that this includes measures to encourage modal shift. Whilst no-one can be forced to abandon their car in favour of an

alternative travel mode the likelihood that this will happen is enhanced in the case of this development proposal on account of the accessibility of the site.

- 17.271 A range of measures intended to cater for the additional traffic are proposed as a part of this development. The mitigation measures seek to alleviate the adverse impacts of the development and Essex County Council and the Highways Agency are satisfied that they achieve this objective. These measures include new points of access to the site and off-site junction improvements where necessary. It is however important to note that a development proposal is not required to put right existing problems and deficiencies (for example congestion on the A12 or around North Colchester Station). Indeed one of the statutory requirements of Paragraph 122 of the CIL Regulations is that a Planning Obligation may only constitute a reason for granting planning permission if it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related to the development in scale and kind. Whilst many of the improvements to existing highways may appear unspectacular, they have been subject to normal testing procedures and the overall package of measures has been found to be satisfactory by both the Highways Agency and the local Highway Authority. The highway consultant acting from MCC (RHDV) is also in general agreement with the conclusion of the Transport Assessment.
- 17.272 It is accepted that the NGAUE represents a very significant development and that it will generate a high level of travel demand in the local area. Moreover, there can be no doubt about the strength of objections to the proposal on the basis of its impact on the local highway network and the consequential effect on people's lives. That said, in the absence of any technical evidence to set against the transportation analysis agreed by the Highway Authority and the Highway Agency, it is not considered appropriate, to depart from their view that this development, subject to appropriate conditions, will not result in traffic generation that would cause unacceptable congestion or undue harm to highway safety. Moreover, in the light of the specialist highway advice, the current proposal can not be described as having a severe impact on the local highway network and, as such, it is not considered that there is a justification for refusal of this application in terms of its effect on highway capacity or safety.
- 17.273 Given the above, it is considered that the proposed development would accord with relevant development plan policies and national planning policy guidance set out in the NPPF.

Parking

- 17.274 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Development plan policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 17.275 Parking is a fundamental component of the design of a development and achieving the correct parking response is integral to the character and functionality of streets. However, this is an outline application and the parking arrangements for this development will need to be determined by the submission of the Design Code and Reserved Matters applications. The Design and Access Statement notes that the parking will take account of local parking standards and best practice guidance on

accommodating the parked car. The Design and Access Statement also notes that secure parking for bicycles is to be considered as part of the detailed design for each phase of the development to reinforce the prioritisation of cycle use. To ensure that the proposed development adheres to the Council's adopted car parking standards and the vision as set out in the Design and Access Statement a planning condition is recommended in respect of the parking provision.

- 17.276 The issue of the proposed neighbourhood centre car park becoming a magnet for commuter parking and other unrelated long-stay parking has been raised. These concerns are appreciated, particularly given the local experience of commuter parking in the area. It is general practice for shopping and other retail centre car parks to be actively managed to prevent unauthorised long-stay car parking. Notwithstanding this, given the proximity of the site to the railway station and the community stadium, it is considered appropriate to attach a planning condition requiring the submission of a car park management strategy for the neighbourhood centre.
- 17.277 Concern has been raised regarding off-site parking issues associated with the railway station and hospital and that this development will add to the existing problems being experienced. Given the close proximity of the site to both of these destination facilities it is not considered that this development will further exacerbate this problem to any great extent.

Walking and Cycling

- 17.278 Policy TA2 relates to the promotion of walking and cycling as an integral and highly sustainable means of transport. Public Realm Policy PR2 requires that the design creates secure attractive, safe and people friendly streets which encourage more walking, cycling, recreation and local shopping. The Adopted Cycling SPD (January 2012) sets out a number of measures to enhance and promote cycling. This SPD seeks to promote a range of non infrastructure measures such as training, lead rides, maintenance and events to promote cycling.
- 17.279 The Countryside and Rights of Way Act 2000 contains measures, amongst other things to improve public access to the open Countryside whilst recognising the legitimate interests of those who own and manage the land concerned.
- 17.280 The site is currently crossed by a number of Public Rights of Way (PRoW) and these are classified as public footpaths. The PRoW comprise:
- Footpath 38, which enters the site from the south west adjacent to the golf course;
 - Footpath 39, which enters the site from the north west across the A12;
 - Footpath 41 which enters the site from the south from Bergholt Road;
 - Footpath 42 which enters the site from the east along Braiswick Lane; and
 - Footpath 46 which enters the site from the east along Ford's Lane.
- 17.281 The footpaths provide access from Bergholt Road to Mile End and Nayland Road. Footpath 39 crosses the A12 at grade, making it a dangerous crossing. This footpath does however connect to the Essex Way and therefore provides an important link to the strategic footpath network. There is no existing cycle network on the site.

- 17.282 The existing PRow within the site are to be maintained and will continue through to the wider external network. It is proposed to enhance the PRow network by up-grading them (where appropriate) to allow cycling or by creating adjacent cycle tracks to ensure connections are maximised to the wider network. In order to protect the existing recreational character of existing routes, the Design and Access Statement notes that surfacing of PRow will be sympathetic to their environments (i.e. standard highway materials will not be used).
- 17.283 The Design and Access Statement explains that the movement of pedestrians and cyclists has been integral to the design of the scheme and is one of the key overriding principles in achieving a shift away from private car usage and supporting the creation a sustainable development. The Design and Access Statement goes onto state that the Primary and Secondary Street network will include on-street provision for cyclists and that a further network of segregated 'leisure routes' will be provided to complete and complement the existing networks through the site and surrounding area. Where the "leisure routes" connect into the existing network outside of the development red line, these sections are to be upgraded as part of the development to ensure that the routes are appropriate for both pedestrian and cyclists. The detailed design of pedestrian and cycle routes will need to be secured through planning conditions and through the Design Coding and reserved matters planning applications. The development will be expected provide the new network in a way which gives the cyclist priority over the motor vehicle and fully integrates with the surrounding network. It is also proposed to secure land (on both sides of sides of the A12) to enable the construction of a pedestrian bridge, although funding is not available to enable the construction of a bridge as a part of this development. It is not considered reasonable (on highway safety or capacity terms) to require the developer to provide a footbridge over the A134 as requested by MCC.
- 17.284 A short localised diversion is proposed to footpath to maintain the continuity of this route (within the southern part of the site). The application submission considers that this diversion is necessary to ensure the proper planning of development parcels R18 and R19. In the context of a substantial number of additional cycling and walking facilities and generally improved access within and close to the site the Design and Access Statement opines that this is considered reasonable. Neither the Highway Authority nor the Ramblers Association have raised an objection to this proposal.
- 17.285 The design of the junctions where the existing PRow cross the new streets is a matter of detailed design and will be agreed through Design Coding and reserved matters application. The precise design will be dependent upon pedestrian flows, forecast vehicle flows and the design speed of the roads in question. It is important to note that design speeds will be low in order to create an environment where people can cycle on carriageway and easily cross streets without necessarily having dedicated crossing facilities. The specific concerns made in respect of the interface between PRow on Braiswick Lane and the proposed 'spine' road through the NGAUE site are discussed above.
- 17.286 Comment has been made about the difficulties and dangers of cycling from Mile End to the station and the town centre. The most direct route would be via Mile End or Bergholt Road and through the North Station. Access to the railway station will be improved by the shared use paths along the primary street, the new access to Bergholt Road and the Toucan crossing into Tufnell Way. The traffic and congestion at peak periods would undoubtedly put some potential cyclists off although the provision of the new cycle lanes and improvement to junction at Essex Hall would improve the situation for cyclists.

Notwithstanding the busy nature of North Station, it is evident that local people do currently choose to cycle through to North Station and this would be an option available to new residents.

Bus and rail travel

- 17.287 Policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy for Colchester. Policy TA3 seeks to further improve public transport and increase modal shift towards sustainable modes.
- 17.288 The North Colchester SPD seeks to promote a layout which maximises the potential for modal shift away from the use of the private car by promoting accessible public transport amongst other measures. With respect to the provision of access for buses, the SPD states that bus services will use the proposed access to the north of the site and will have a dedicated southern access that connects with the existing routes used by buses. The SPD also states that the development should be served by new bus services, giving access to the town centre, Severalls Hospital development, the Hospital and through the north Colchester Employment land and onto the North Colchester Business Parks.
- 17.289 Bus services currently run along Mile End Road to the east of the site and along Bergholt Road to the west. On Mile End Road the key service is the number 2 on 15 minute frequency Monday to Saturday during the day. This service goes on to serve the village of Great Horkelesley to the north. Along the Bergholt Road the main service is the 66 to West Bergholt on a 30 minute frequency throughout the day. Service 63 serves New Braiswick Park on a 20 minute frequency. There are a number of limited frequency services such as the 17 and 754 which serve schools, the rural area and through to Sudbury. In the evening and on a Sunday the level of service drops off considerably.
- 17.290 To deliver sustainable travel it is essential that the development is well served by buses. Indeed the Design and Access Statement comments that to achieve a modal shift towards the use of public transport it is essential that the bus provides an efficient and viable alternative to the car and one that can compete with the convenience and practicability of the car.
- 17.291 The applicants proposed Public Transport Strategy reflects the delivery phasing for the development, which will take place over a period of years. The strategy proposes that the early phases of the development will be served by existing buses (Service 2). The Council's Transportation Team notes that it is likely that the existing stops will need to be relocated so that they are more accessible to the new development and upgraded to include Real Time Information. Improvements to existing bus stops are to be secured through conditions and/or s278 of the Highway Act as appropriate.
- 17.292 The diversion of Nayland Road will enable the bus service to penetrate the development and it is intended that the buses will stop at the proposed neighbourhood centre.
- 17.293 Prior to the occupation of 1150 units, the primary route through the development site will need to be completed, including the proposed link into Bartholomew Court via a bus gate. At this point in time, it is proposed that bus services would route through the site. In order to deliver this, the Transport Assessment proposes that the existing 15 minute frequency Service 2, which extends from the town centre to Great Horkelesley, is split such that two services per hour would continue on the existing route whilst two services per hour are diverted through the development via Bartholomew Court as far as the

neighbourhood centre, where they would join the existing route. The Transport Assessment states that existing bus users travelling between the town centre and Great Horkesley would continue to enjoy services that would provide a 15 minute frequency between the destinations. The Transport Assessment does however acknowledge that existing residents that live in the vicinity of Mile End would be disadvantaged by the route diversion and the associated reduction in bus frequency. To compensate for this, the applicant proposes that a new 30 minute frequency local bus service is provided whose route would extend from the rail station (or Colchester town centre) northwards along Mile End Road, Nayland Road and Boxted Road, westwards along the Phase 1 access road and towards the new neighbourhood centre, then southwards along the NGAUE spine road and onto Mile End Road, before returning to the station.

- 17.294 The latter stages of the proposed development fall within 400 metres of Bergholt Road and will therefore have suitable access via the pedestrian paths through to Bergholt Road to the existing bus services that operate along this road.
- 17.295 The Council's Transportation Policy Team has raised a number of concerns with the developers' bus strategy. The phasing of the development from the north southwards does not easily facilitate the early introduction of an efficient bus service into the development. It is not until the primary street is delivered on the occupation of the 1150th dwelling that an effective through bus service and route can be provided throughout the development. The Transportation Team consider that to wait until this stage for the delivery of a bus service through the site conflicts with aims of sustainable travel.
- 17.296 The majority of bus services in Colchester are commercially operated and focus on serving residential areas and a number of key locations (including the town centre) to ensure commercial viability. The Council's Transportation Policy Team, in conjunction with Essex County Council Passenger Transport Unit, have proposed an alternative strategy which does not divert a current high frequency bus service from the existing community, and proposes a service to penetrate into the development at an earlier stage. This alternative strategy comprises:

Phase 1 and 2 of the development to be served by the existing service 2 and the hourly service 84. The existing bus stops in the area are relocated and enhanced so that they better serve the development.

- Phases 3, 4, 5, and part of 6 of the development to be served by extending an existing service at the northern end of the development travelling down the primary street. Turn round and layover facilities would be required as each phase is delivered. This service would require pump priming.
- From the occupation of 1150 unit a new service is delivered entering via the Bartholomew Court Bus Gate and running up the primary route. It is expected that at this stage of the development this service would be commercially viable and operators would seek other passenger opportunities e.g. Severalls, and through to the Northern Gateway development

- 17.297 Experience of bus operation suggests that the applicants' proposed local service (Railway Station, Mile End Road, Nayland Road, Boxted Road and then through the development on the primary street) would not be commercially sustainable as the routing suggested does not connect to enough key destinations to create a constant patronage demand. Even though such a service would give a 15 minute frequency with the service

2 along Mile End road interchanging at the railway station is not as convenient as it seems, due to the location of bus stops, where the other services stop and through ticketing which is not transferable between bus operators.

- 17.298 In addition to the railway station, the Transportation Policy Team notes that the other key destination in the area is Colchester General Hospital and that the SPD for North Colchester suggests a service connection to this destination. For local services such as this, consideration should be given to a “community transport” type service which would have lower operating costs to complement the main regular bus services.
- 17.299 A contribution for bus services is being proposed by the applicants and will be secured through the legal agreement. The above outlines two potential bus strategies for ensuring that this development is served by public transport. At this stage, it is not considered appropriate to stipulate precise requirements in respect of bus services intended to serve this development due to the length of time that it will take to implement the development and the commercial nature of bus operation in the town. The final bus service operation will be determined through discussion with the local authority, the developer and the bus operators as the development is built out.
- 17.300 Colchester Bus Users’ Support Group (CBUSG) expresses concern that proposal to split Service 2 as they consider it will lead to the deterioration of the existing service and cause potential confusion for users of this service. In respect of other services intended to serve this development, the bus users group has noted that the proposed Bus Strategy relies in part on bus services where it is likely to be necessary to change at North Station in order to reach the town centre and that this is likely to deter users due to the inconvenience and extra costs.
- 17.301 The CBUSG have commented that the service 2 and 66 (which are the key services intended to serve this development) are currently amongst the most unreliable of all Colchester town services due to traffic congestion around North Station. The User Group opines that unless the reliability of these services is improved, users from the development are unlikely to be encouraged to use public transport. These comments are fully acknowledged. It is important to note that the off-site highway works seek to provide bus priority at key junctions which should assist considerably with the reliability of the bus service. Whilst the proposed highway works will assist with the reliability of the service, the bus operators also have a role to play in ensuring the provision of an attractive service in terms of pricing and the quality of the bus fleet.
- 17.302 The submitted Transport Framework Plan identifies three indicative bus stops along the primary street of the development. The Institute of Highways and Transportation Guidelines for Public Transport in Developments suggest that the walking distance to stops should preferably be 300m or 400m as a maximum. These distances are designed to strike a balance between access times and speed of the bus service. (CBUSG comment that bus stops on existing main roads in Colchester are provided at fairly consistent average intervals of 270 - 330m apart rather than the maximum set out in the above guidelines).
- 17.303 Both the Council’s Transport Manager and the CBUSG have commented on the fact that there are too few bus stops being provided on the spine road and have recommended the provision of further stops to serve the development. The CBUSG also comment that the main portion of the spine road passes along the edge of housing areas where the bus stops will be surrounded by landscaping which will be uninviting to users. CBUSG opine

that the adoption of a more central alignment would allow buses to penetrate the middle of each housing area which would have the effect of reducing the average walking distances to stops, provide a 'safe' road with continuous house frontages, and 'safe' bus stops. The comments made by the Council's Transportation Policy Team in respect of development areas R13, R14 and R15 (or parts thereof) being located beyond the 400m distance from the stops is also linked to the proposed alignment of the spine road . The applicants have been made aware of the concern regarding the distance of parts of the residential development from bus stops and have verbally advised that these parcels are intended as low density residential development and that the occupiers are unlikely to use the bus service. Notwithstanding this, the Transportation Manger has recommended that there should be a requirement for the bus route and bus stops to be modified to ensure that these areas fall within the 400m catchment distance. It is proposed that a condition is imposed regarding the distance between bus stops along the primary street and that an informative is added in respect of the desirability of having all part of the development being within 400m catchment of a bus stop. This is to allow for flexibility in the provision of the service and to avoid this desired requirement having a detrimental impact on 'attractiveness' of the service(s) from a route, frequency and reliability perspective. Regarding the suggestion that the Primary Street is realigned, it is accepted that this would provide a design whereby the average walking distance to the bus would less than that currently proposed. The proposed master plan in the Council's SPD (which show the Primary Street adopting a more central alignment) was provided for indicative purposes only and the Local Planning Authority could not insist on the adoption this alignment. With respect to the quality and safety issues raised by CBUSG regarding the locations of the proposed bus shelter, this will need to be dealt with via the proposed Design Codes and the submission of reserved matters applications. There is however no reason to assume that bus shelters will be located in an unlit and/or unsafe environment.

- 17.304 The Transportation Policy Manager has commented that the first 'new' bus service is only delivered when Phase 2 of the development is complete (920 dwellings) and therefore all the dwellings constructed up to this point are reliant on existing or diverted services. The Transportation Team also opine that a significant proportion of Phase 2 dwellings will be more that 400m from a bus stop as the diverted bus service does not penetrate into the development at this stage. To meet Core Strategy Policy TA1 on changing travel behaviour and realising the benefits of this location, the Transport Manager opines that there needs to be an earlier commitment to providing a bus route and service which better serves Phases 1 and 2, meets the 400m requirement and does not divert an existing service.
- 17.305 The North Colchester SPD sets out the aspiration to provide bus services which connect through to the Severalls Hospital Development, North Colchester Employment Land and Colchester Business Park. The Council's Transport Team comment that the proposed new local service does not link the development with these nearby major opportunities; the proposed bus services will only link the development to the railway station and town centre only. These comments are noted and appreciated. The Transport Statement does however provide a justification for not providing bus service links with adjacent sites. The Transport Statement explains that all of the proposed bus services are intended to connect to the new neighbourhood centre, community and educational facilities which will be provided as apart of this application and that these could, subject to delivery by the operators, be extended through the emerging Severalls Hospital site and the proposed employment locations on Colchester Business Park. It is stated that the delivery of such a service will be reliant on third parties and that these services are also unlikely to be delivered in the short to medium term if existing services are to be relied

upon. The viability of this development is such that there is not funding available to secure the provision of the suggested east-west bus route.

- 17.306 Bus priority infrastructure measures include the bus gate at Bartholomew Court and at the revised Boxted Road/Nayland Road junction. Allowing only buses, cycling and walking to access the site at these locations gives a clear indication to new residents that priority is given to those wishing to travel by bus, cycle or walk. To ensure that authorised vehicles do not use the proposed bus lane / gate it will be necessary to ensure that these measures are actively policed. The Design and Access statement proposes that the signalised junctions such as the Northern Access from Nayland Road will have bus priority built into the traffic signals. The Council's Transportation Team notes the importance of providing bus lanes in this location to give visible priority to buses. Support for bus priority measures in the North Station area is also supported by the Transportation Team as this will help to improve the reliability of public transport.
- 17.307 The 'Bus Strategy Contribution' is essentially a form of revenue expenditure that will subsidise the provision of bus services for a temporary period during the early to middle phases of the development to induce sustainable travel habits in potential customers. There can be no guarantee that such habits will continue. People tend to be rational in the exercise of transport choice and, if it suits their needs to make use of the public transport services to which the site is inherently accessible, they will do so; otherwise they will use other means, whether that be bicycle, motorcycle or motor car. However, insofar as it would promote sustainable transport habits to capitalise on the advantages of the site's location, thereby contributing to the promotion of sustainable transport advocated by the Framework, the contribution may be regarded as a necessary complement to help ensure that the sustainability credentials of the development are maximised.
- 17.308 The current application proposes a number of bus enhancement measurements and more generally seeks to promote other modes of sustainable transport. The comments made in respect of the proposed Bus Strategy are noted. It is however important to note that since this has been allocated for a housing, the property market has been subject to substantial adjustment and the Fast Track Public Transport Service that was initially suggested for this development is not affordable. The submitted Bus Strategy ultimately proposes that two separate buses services will operate giving at 15 minute intervals through this development site. On face value this is considered to constitute an adequate level of service but has its limitations.
- 17.309 It is expected the developer will have to pump prime bus services and negotiate with bus operators to provide services. A financial contribution is being sought but ultimately, the level of service will be up to the commercial operator and for them to generate new custom. The primary route will serve as the main bus route once the development is complete but prior to this turning lay over points for a bus will need to be included in the middle development phases to allow penetration of public transport from the northern end of the development. This could be achieved through use of the residential street layout as well as temporary turning points provided by condition.
- 17.310 The submitted development proposal are not considered conflict with Core Strategy policy TA1 in so far that the future residents will have access to a level of bus services and there is the potential for the enhancement of this should the bus operators wish to provide will further services or new vehicles.

- 17.311 Colchester North railway station is situated approximately 550m from of the southern part of the site. The Chartered Institute of Highways and Transportation's (CIHT) 'Providing for Journeys on Foot' states that for commuter journeys, i.e. walking to rail or bus stations, that a desirable walking distance from a development is up to 500m and an acceptable walking distance is 1,000m. The proximity of the site to the rail station is therefore likely to mean that a high percentage of those using this facility from this development are likely to walk or cycle there. The Design and Access Statement notes that proximity to Colchester North Station is a key asset of this development site and facilitating direct access to the station by foot or cycle has been an important consideration of the proposals. The railway offers good services to destinations including Chelmsford, London and Norwich.
- 17.312 A direct connection from the southern part of the site and through to Bergholt Road is proposed and will provide a strategic pedestrian and cycle link to the station. The Movement Parameter Plan indicates that the southern access point to Bergholt Road will link into the primary street and will provide all residents with a safe, easy and efficient pedestrian and cycle route to the station.
- 17.313 Representations have been raised regarding the potential for this development to exacerbate the existing problems of train overcrowding (particularly on the line between Colchester and London Liverpool Street) and also on car and cycle parking facilities at Colchester Railway Station.
- 17.314 The applicant's highway consultant has advised that based on the 2001 Census, each household in Colchester had an average of 1.179 people in employment. If this factor is applied to the 1600 proposed households it results in an estimated 1887 NGAUE residents in employment. When this figure is applied to the percentage of people in Colchester who travel to work by train (6.9%) it results in an estimated 131 NGAUE residents travelling to work by train. Further analysis of Census Travel to Work 'Origin Destination' data shows that 78% of Colchester employees that travel to work by train travel to a workplace destination within Greater London. This means a total 102 NGAUE commuters would travel to London by train during the two hour peak period.
- 17.315 While there is a logic to the methodology used to calculate this figure, it is important to note that the census data show that the Mile End Ward has a higher than Colchester average level of train use. Given this, the number of potential commuters generated by this development is likely to be greater than figure suggested by the agent. The existing pressure on train services is appreciated and is a problem that needs resolution by the train operators; the problems associated with over crowding are not unique to Colchester.
- 17.316 The Transportation Policy Manager has advised that Network Rail have factored into their growth forecasts allocated development sites. The London and South East Rail Utilisation Strategy July 2011 sets out various works that are aimed at improving capacity to meet the demand in peak hours of travel. These works include the Bow Junction alteration and Chelmsford turnback siding. Whilst these measures are remote from Colchester they will allow for an increase in train capacity along the Great Eastern Main Line. These improvements are again identified in Network Rail Strategic Business Plan Anglia Summary January 2013. This latter plan also includes programmes of renewals and improvements which will help to increase line speed and improve reliability.

17.317 Regarding the issue of car parking at the station it is unlikely that the majority of commuters from this development will drive to the station due to a combination of site's close proximity to the railway station, the proposals to provide a direct pedestrian and cycle links and the parking charges at the station. It is therefore unlikely that this development will have a material impact on existing car parking facilities at the railway station. The potential impact on cycle parking facilities at the station is acknowledged and the Council's Transportation Policy Team has recommended a contribution to increase secure cycle parking facilities at the station.

Travel Plans

17.318 The NPPF and local planning policies make clear that travel plans are an important tool in the delivery of sustainable transport objectives and that they should be submitted alongside planning applications that are likely to have significant transport implications.

17.319 The application site is about 2km from the town centre (at its nearest point) with its shops and associated services and is close to employment opportunities and leisure facilities. The railway station is not far away and the Local Plan Inspector recognised this as a highly sustainable location. There is therefore considerable potential to promote modes of travel other than the private car in accordance with national and local planning policy.

17.320 A draft Framework Travel Plan is included with the planning submission which sets out broad objectives, targets and initiatives to encourage alternative travel choices and the reduction in car journeys. Travel Plans can include measures such as a car club, provisions for car sharing, secure cycle storage and travel vouchers.

17.321 The key to the successful implementation of any travel plan to ensure effective monitoring and to that end the Planning Obligation includes funding for the appointment of a Travel Plan Co-ordinator. This individual would be responsible for ensuring the effectiveness of the travel plans with progress reports throughout the monitoring period after which time it is reasonable to anticipate that the travel plans will become self supporting as patterns of behaviour become established. Targets for each travel plan will be set out in the Framework Travel Plan. Due to the extended time period for the implementation of this development, it is considered important that the Travel Plan allows for its evolution with regular reviews of the performance and content of the plan. It is important to recognise that the car is not necessarily an unsustainable mode of transport. Guidance promotes car sharing and acknowledges that it is sustainable to promote car sharing in travel plan guidance. One of the travel plan coordinator's tasks will be to facilitate this. It is also recommended that secure electric vehicle charging points are provided to any residential properties that are more than 400m from a bus stop to further promote the use of environmentally friendly cars. It is also suggested that charging points are provided within the neighbourhood centre.

17.322 In accordance with the recommendation from the Highway Agency, it is proposed to condition the requirement to produce and implement a detailed travel plans for all users of this development (i.e. residential, educational and commercial and leisure uses). It is also proposed that travel packs are provided to the first occupiers of the new dwellings.

- 17.323 Travel Plans and Travel Packs will help to influence the behaviour and travel choices of a proportion of the occupants of the proposed houses, initially at least. To the extent that they would promote sustainable transport habits from the outset, they may be regarded as a necessary complement to help ensure that the sustainability credentials of the development are fully utilised early on. The Travel Plans and packs are directly related to the development proposed.
- 17.324 For the reasons given above, it is considered that the requirement to provide travel plan and packs accord with relevant development plan policies in the local plan and the principles in NPPF which promote sustainable transport choices and accessibility.

Hydrology and Drainage

- 17.325 Core Strategy policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. Core Strategy policy ER1 relates to Energy, Resources, Waste, Water and Recycling in Colchester. Under this policy, all new residential dwellings are encouraged to achieve a minimum level under the Code for Sustainable Homes and that non-residential development should achieve a minimum BREAAAM rating. Development policy DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures. This policy also promotes the use of appropriate sustainable drainage particularly on greenfield sites.
- 17.326 The NPPF considers flood risk using a sequential characterisation of risk, based on the Environment Agency Flood Maps. The NPPF requires a detailed flood risk assessment to be produced for all development located within a flood zone or greater than 1 hectare in area.
- 17.327 In addition to the above planning guidance, consideration has also been given to the Flood and Water Management Act 2010 and the Environment Agency's North Essex Catchment Flood Management Plan (2009).
- 17.328 There are no significant watercourses within the development site and the site is located with Flood Zone 1 (Low Risk) on the Environment Agency map.
- 17.329 The site currently drains in both a northerly and southerly direction from a watershed in approximately in the centre of the site. The existing drainage regime is composed of a series of open field drains within and bounding the land. The north and south drainage routes follow three predominant flow paths. Two small watercourses drain towards the north east of the site and both are routed under the A12. One is situated to the northeast of the site; the other is situated in the north west corner (near Nayland Road). Down stream of the site both of these watercourses join the Black Brook (also known as St Botolphs Brook). In the southern part of the site, two small field drains join approximately 100m prior to being culverted and flowing beyond the site boundary to the south beneath Golden Dawn Way and Priory Way.

- 17.330 Flood alleviation works undertaken in 2010 by Colchester Borough Council involved the creation of a drainage ditch around the southern boundary of the golf course to intercept overland flows. These flows are now redirected to the east via a culverted system beneath the golf course ultimately joining the western branch of the drainage network in the southern part of the site. These flows are then routed via the culvert under Golden Dawn Way. These works were undertaken to resolve an historic problem of properties being flooded on Bergholt Road from drainage routes from the north via Colchester Golf Course.
- 17.331 The planning application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy. These documents confirm that the site is located in Flood Zone 1 and the above existing drainage arrangements.
- 17.332 Fluvial flooding is not considered to pose a significant risk due to the development site being elevated above nearby off-site water courses. The primary flood risk to the site is considered to be from surface water flooding caused by rain water on saturated surfaces and the exceedence of the field drainage system. It is proposed that the surface water drainage from this development would be by a Sustainable Urban Drainage System (SUDS), with ponds created within areas of strategic landscape. The proposed SUDS would replicate existing discharge regimes from the site by maintaining current runoff rates and may also bring benefits in terms of reducing flood risk elsewhere. Both the Environment Agency and Anglian Water, which are statutory consultees in respect of flooding and drainage matters, have reviewed the proposal and have raised no objections to this application. Essex County Council (as the Lead Local Flood Authority and future SUDS Approving Body) has also confirmed that the Flood Risk Assessment accords with their forthcoming SAB requirements under the Flood & Water Management Act 2010 and that they would expect the SUDS to comply with the relevant best practice documents.
- 17.333 The effectiveness of a SUDS system will depend on its long-term management and maintenance. The Flood Risk Assessment states that the SuDS system will be adopted by Essex County Council as part of its SUDS Approving Body responsibility within its role as Lead Local Flood Authority. With a single authority responsible for the maintenance of flood mitigation measures the problems that have arisen in the past due to confusion as regards to maintenance responsibility will be avoided. A condition is suggested requiring the submission and approval of a detailed SUDS. This would include details as to how and by whom the SUDS would be maintained and managed.
- 17.334 Objection has been received to this application on flooding and drainage grounds. Nevertheless the identification of this land as a reserve housing site for 2,200 houses in the Local Plan means that there can be no objections in principle to its development on these grounds.
- 17.335 Comment has been made (notably by Cllr Goss and MCC) that drainage and the potential for flooding is too important an issue to allow for full details to be agreed under the discharge of planning conditions. While the concerns over flooding are appreciated the requirement for the submission of detailed drainage details for the whole is not considered appropriate. This is an outline application for a large development and there is sufficient scope for flexibility, for example in attenuation capacity, regarding SUDS techniques built into the basic drainage strategy. Moreover it would negate the spirit and purpose of the outline procedure if the expense of comprehensive and definitive investigation and design of the end state solution were to be required in advance of the

certainty of planning permission that might be withheld for other reasons. Sufficient information has been presented to demonstrate to the Environment Agency and Essex County Council (as the SUDs Authority), and with the benefit of their advice, the decision maker, that the proposed development, subject to the imposition of conditions, would not be subject to fluvial inundation on any reasonable assessment of risk and nor would it materially increase flood risk elsewhere in the catchment.

- 17.336 Concern has been expressed that in times of heavy rainfall increased surface water runoff could lead to increased flood risk to Golden Dawn Way which is downstream from the site and has been subject to past flooding problems. This issue has been raised with the Highway Authority, the Environmental Agency, Essex County Council and this Council's Land and Drainage Engineer.
- 17.337 Anglian Water has advised that previous flooding of the culvert at Golden Dawn Way was probably caused by an operational issue, such as a blockage rather than as a result of any capacity limitations. This view is reinforced by Cllr Scott Greenhill who has stated that the flooding in 1998/9 was due to some form of restriction/blockage along the route to the culvert. Anglian Water has also advised that based on the information provided and subject to the SUDs system being constructed in accordance with best practice and attenuating flows to their pre-development levels, the development should not increase flood risk rising from the public sewer network at Golden Dawn Way and down stream of this point. Anglian Water note that the SUDs scheme created for the development is to be adopted by the SUDs Approving Authority and they will be responsible for the operation and maintenance of the systems up to the point that it joins the culvert north of Golden Dawn Way. The Environment Agency and the Council's Drainage and Land Engineer also concur that there would not be an unreasonable risk of flooding caused as a result of the implementation of this development
- 17.338 In respect of foul water drainage, Anglian Water has not raised an objection to this application subject to the attachment of appropriate conditions. Anglian Water has confirmed that it is obliged under the Water Act 1991 to maintain the public sewage system to ensure the area is drained effectively.
- 17.339 For all the above reasons it is considered that, whilst the definitively detailed measures have not been designed at this stage, the evidence clearly indicates that there are effective mitigation measures to avoid any increase in flood risk. Moreover, there is also the potential that the implementation of the proposed drainage strategy could give rise to betterment by improving the position of nearby properties. It is therefore considered that there is no conflict with the intentions of the development plan or the Framework in respect of flood risk.

Air Quality

- 17.340 The Core Strategy contains policies for the delivery of development, infrastructure, facilities and services in Colchester to 2021. The Council does not have any specific policies on air quality within the Core Strategy; Policy TA4 however states that *"The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character."*
- 17.341 Furthermore, the Core Strategy sets a target of not increasing the number of Air Quality Management Areas (AQMA).

- 17.342 Development Policies Plan Policy DP1 states that: development proposals must demonstrate that they, and any ancillary activities associated with them, will protect existing public and residential amenity, with regard to pollution.
- 17.343 The NPPF states that planning policies should sustain compliance and contribute towards EU limit values or national objectives for pollutants, taking into account Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. One of the twelve core planning principles notes that planning should "*contribute to...reducing pollution*" (paragraph 17, NPPF). To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area should be taken into account.
- 17.344 Consideration has also been given to Supplementary Planning Document (SPD) on Air Quality. This notes that emissions of air pollutants Oxides of Nitrogen, Particulate Matter smaller than 10 microns (PM10) or 2.5 microns (PM2.5) and Sulphur Dioxide are listed as indicators within the UK Framework. The SPD also advises that when considering the impact of a proposed development on air quality it is important to recognise that if the impact can be removed or sufficiently mitigated then there would be no reason, on air quality grounds, why the development could not proceed.
- 17.345 The Council has investigated air quality within its area as part of its responsibilities under the Local Air Quality Management (LAQM) regime. In 2001 the Mersea Road AQMA was declared, followed in 2005 by the Brook Street AQMA. In January 2012, the Council revoked these two AQMAs and declared four new AQMAs, all related to nitrogen dioxide levels exceeding the annual objective; the designated AQMAs cover large parts of central Colchester. The application site does not lie within any of the existing AQMAs or adjacent to them. The study area, as defined by the extent of the road traffic network also does not include any of the designated AQMAs.
- 17.346 The methodology for the Air Quality Assessment was agreed between the Council's Air Quality Officer and the applicant's Air Quality Consultants. The Air Quality Assessment modelled the potential impact of this development at 20 locations within the proposed development itself and 46 off site locations, including North Station where specific concern was highlighted in respect of air quality
- 17.347 There is the potential for construction activities to have an adverse impact upon both existing and new properties. The main pollutant of concern related to construction activities is dust. The Environmental Statement states that the site development will be phased, and at times there will be a large number of residential dwellings in close proximity to earthworks. The Environmental Statement anticipates that the earthworks will last around two months per year for five years and that dust emissions will arise mainly from the vehicles travelling over unpaved ground. The scale of the development also has the potential to generate dust from the transit, handling and storage of materials. The potential impact from dust is assessed by the Environmental Statement and concludes that measures to mitigate dust emissions will be required during the construction phase of the proposed development. It is proposed that a dust management plan is incorporated into a Construction Management Plan condition.

- 17.348 The proposed development would lead to an increase in traffic on the local roads, which may also affect air quality. The main air pollutants of concern related to traffic emissions are nitrogen dioxide and particulate matter (PM10 and PM2.5). The assessment demonstrates that this development would not result in the air quality limits for NO2 or particulate matter being exceeded and that no further mitigation measures are necessary. The Environmental Statement also notes that European legislation will also assist in the reduction pollutant emissions from road traffic in the longer term. The Council's Air Quality Officer is in agreement with the conclusions of the Air Quality Assessment as regards to the impact of this development from traffic emissions.
- 17.349 The potential effect of this development on air quality has been assessed against agreed criteria. The Air Quality Assessment concludes that this development, subject to appropriate mitigation, will not have an adverse impact on air quality either within the development or off-site. It is therefore considered that the proposed development is consistent with the requirements of the Council's adopted development plan policies, supplementary planning guidance and the NPPF.

Noise and Vibration

- 17.350 Development Plan Policy DP1 seeks to avoid unacceptable impacts on amenity; Part (iii) of this policy seek Protect existing public and residential amenity, particularly with regard to noise and disturbance.
- 17.351 The NPPF contains general advice and refers to other guidance
- 17.352 In addition to the above, the following legislative framework is also of relevance:
- The Noise Policy Statement for England (March 2010) provides a more overarching policy statement on the approach to noise in England and the interpretation of the various guidance documents on noise. The NPPF refers directly to this document.
 - Part III of the *Environmental Protection Act 1990* which requires local authorities to serve abatement notices where the noise is emitted from any premises or vehicles, machinery and equipment in the street that constitutes a statutory nuisance;
 - Part III of the *Control of Pollution Act 1974* which gives local authorities the power to control noise from construction sites either by prior consent (section 61) or by service of notice (section 60).
 - BSS228: 2009, Part 1 "Code of Practice for Noise and Vibration Control on Construction and Open Sites"
 - Building Bulletin 9345 contains advice on the acoustic design of *schools*, both mandatory standards for internal noise levels and advisory standards for external areas.
- 17.353 The Environmental Statement identified that general construction site operations would normally take place during the following hours:
- Monday to Friday - 0730-1800 hours
 - Saturdays - 0800-1300 hours
 - Sundays and bank holidays - No noisy working

- 17.354 The Environment Statement assumes that no activity will be undertaken outside these hours which could be expected to give rise to noise noticeably above current prevailing background noise levels at nearby properties. It is suggested that an hours of work are agreed as a part of the Construction Method Statement.
- 17.355 There are existing residential properties in relatively close proximity to the boundaries of the application site and the Environmental Statement acknowledges that the effects from construction activities could be at least 10 dB in excess of the guideline thresholds (without mitigation) and that this is sufficient to have an adverse effect on the amenity of these properties. The Environmental Statement also comments that vibration may be detectable at nearby residences, especially during any piling operations (albeit this method of construction is not anticipated for the majority of the site).The Environmental Statement goes onto to state that it is uncommon for vibration levels from residential or mixed-use developments to high enough to cause building damage in the surrounding area.
- 17.356 The Environmental Statement advises that the best practicable means of preventing, reducing and minimising noise will be adopted in agreement with the local authority. Typical measures cited in the Environmental Statement are:
- use of hoarding around operational parts of the site to assist in the screening of noise;
 - all plant and equipment to be used for the works to be properly maintained, silenced where appropriate and operated to prevent excessive noise and switched off when not in use and where practicable;
 - plant to be certified to meet relevant current legislation and Noise and Vibration Control on Construction and Open Sites (BS 5228) Standards
 - all trade contractors to be made familiar with current noise legislation and the guidance in BS 5228 (Parts 1 and 2) which will form a prerequisite of their appointment;
 - loading and unloading of vehicles, dismantling of equipment such as scaffolding or moving equipment or materials around the site will be conducted in such a manner as to minimise noise generation;
 - deviation from approved method statements will be permitted only with prior approval from the Principle Contractor and other relevant parties. (It is proposed that this will be facilitated by formal review before any deviation is undertaken);
 - noise complaints or exceeding of action levels will be reported to the Lead Contractor and immediately investigated; and
 - wherever possible, plant and equipment will be switched off when not in use
- 17.357 To protect the amenity of nearby residents from construction noise and vibration, a condition is proposed requiring the submission of a Construction Method Statement which incorporates the above.
- 17.358 The Noise Assessment also considers the potential effects of road traffic noise and noise from commercial activity (Neighbourhood Centre).

17.359 With respect to noise from the commercial activities, the Environmental Statement notes that noise emanating from such development, is not in itself inherently noisy and, with the exception of road traffic and noise from the operation and servicing of commercial uses, does not generally produce significant noise as a result of their operation. To ensure that noise from the non residential development does not have an adverse effect on the amenity of the area; conditions are proposed in respect delivery times and the use of plant or machinery (including extract equipment).

17.360 The Environmental Statement comments that without mitigation measures of any kind some of the future occupiers of the proposed residential development could be exposed to levels at least 10dB above the guideline thresholds. This level of noise would have a detrimental impact on the amenity of these residents. For this reason, the Environmental Statement suggests the following mitigation measures:

- The first principle in the design approach is to locate the proposed dwellings away from the noisiest areas of the site, principally those close to the A12. (The Environment Statement notes that the Development Framework Plan already show how this can be achieved);
- Secondly, the built form of the development can be used to provide acoustic screening to garden areas to ensure access to amenity space below the 55dB target level. (The Environment Statement notes that the Development Framework Plan already show how this can be achieved); and
- For the remaining facades exposed to levels where facade noise control may be necessary, appropriately specified double glazing will need to be installed with additional acoustic protection. (The Environmental Statement advises that for facades exposed to 50-60 dB (day) and 45-55dB (night), thermal double-glazing with a pane that is thicker than the standard unit would provide sufficient acoustic protection. Extra acoustic protection will need to be incorporated into the thermal double-glazing system through the fitting of acoustic hoods. For facades exposed to 60-70 dB (day) and 55-70 dB (night), living rooms will need to be provided with the thermal double-glazing and acoustic ventilation specified. If bedrooms form part of this facade, an intermediate weight acoustic glazing system should be provided. For facades where the acoustic glazing is required, ventilation to habitable rooms is recommended together with an acoustically treated mechanical or passive ventilation system either on an individual room basis or via a whole building system.

17.361 The Environmental Statement notes that the above advice is based on the submitted Development Framework Plan and recommends that modelling of a final layout and design specifications for acoustic treatment is undertaken at reserved matters stage and that this is covered by a planning condition. The Council's Environmental Control Team has not raised an objection to this application and conditions are recommended to mitigate potential noise pollution.

17.362 The Environmental Statement notes that both school sites will require mitigation measures to achieve acceptable external standards across the playing fields and other external areas. Achievement of external standards means that internal standards will be simpler to achieve through the building fabric using normal construction, glazing and ventilation techniques. Although layouts are indicative, detailed modelling of the schools sites has been undertaken to derive mitigation measures.

- 17.363 The modelling work takes account of the worst-case future noise environment (i.e. it accounts for all committed and allocated development sites in the local plan). It is proposed to provide the secondary school site with landscaped acoustic bunding and fencing around playing fields, to achieve the 55dB target. The screening will be achieved by a physical barrier a total of 6 metres (for example a bund 3.5metres in height (above existing ground level), topped with a 2.5 metre acoustic timber fence). It is proposed that the precise detailing of the noise mitigation strategy is the subject of a planning condition. The primary school site is further from the A12 and would be protected by the built development to the north. It is recommended that a condition is attached requiring full detail of the mitigation strategy. Neither the County Council nor this Councils Environmental Control Team have raised an objection (subject to appropriate conditions) to this application in respect of the potential for noise to adversely affect the proposed school site.
- 17.364 For all the above reasons it is considered that, whilst the detailed noise mitigation measures have not been designed at this stage, the submitted evidence is sufficient to demonstrate that areas of the development identified for residential and school uses can be made suitable for the intended end use. Given this, there is no reason (subject to the mitigation measures discussed) that noise should be a barrier to development of the site, It is therefore considered that there is no conflict with the intentions of the development plan or the Framework in respect of noise pollution.

Contamination

- 17.365 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land. The support text to this policy notes that Colchester's approach to dealing with the development of land that could be contaminated is set out in 'Land Affected by Contamination: Technical Guidance for Applicants and Developers, 2nd Edition'
- 17.366 Whilst the development site is almost Greenfield, the only guidance in the NPPF relates to the reuse of brownfield land and contaminated land. Planning policies should ensure sites are suitable for its new use. Adequate site investigation information must be prepared by a competent person and after re mediation, as a minimum land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act
- 17.367 Contaminated land is addressed through a number of Acts of Parliament, including Environmental Protection Act, 1990 requiring the identification and remediation of Contaminated Land; Town and Country Planning Act, 1991, which requires contamination to be assessed and addressed as part of development;
- 17.368 The Essex Contaminated Land Consortium document requires a phased approach consisting of a Phase 1 desk study, Phase 2 intrusive, tiered risk assessment procedures, remediation and validation.
- 17.369 Phase I Desk Study and site walkover has been undertaken by REC Limited at the site.

- 17.370 The Environmental Assessment notes that, as a part of the Phase 1 Desk Study, a review of the historical maps has been undertaken and that this shows the site to have been agricultural use. From 1875 to 1978 a farm was located in the centre of the site, named Lodge Farm and later renamed to Ford's Farm. Additionally Myland Lodge and later The Old Rose Garden Nursery also occupied land including buildings inside the site boundary.
- 17.371 No registered landfill sites, areas of backfill or waste treatment sites have been identified within a 250m radius of the site as a part of the Phase 1 Desk Study.
- 17.372 The Environmental Statement notes that a targeted ground investigation is to be undertaken at the former Ford's Farm and at The Old Rose Garden Nursery/Myland Lodge to provide confirmation of land quality. More generally the Environmental Statement notes that given the previous agricultural use of the land it is considered unlikely that contamination will be encountered at significant concentrations. The Environmental Statement notes that further investigation is to be undertaken and should a risk from contamination be identified, enhancement by the remediation methodology can be implemented
- 17.373 The Council's Contamination Land Officer is in broad agreement with the submitted Phase 1 Desk Study and has recommended conditions to safeguards against the potential for the future discovery of contamination.
- 17.374 It is considered that the following implementation of mitigation measures no significant adverse impacts are expected in relation to land contamination.

Viability and Development Obligations

- 17.375 Policy SD2 of Colchester's Core Strategy provides that new development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. This policy goes on to state that the Council will seek to employ standard charges where appropriate to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. The viability of developments will also be considered when determining the extent and priority of development contributions. Table SD3 in the Core Strategy outlines the strategic level community facilities that will be needed up to 2021, including the community facilities required for areas planned for growth.
- 17.376 Further policies on specific topic areas are provided within the Core Strategy and the Development Plan Policies (for example on affordable housing, health, community facilities and open space etc).
- 17.377 More detailed guidance on the level of contributions for commuted sums and the methodology for their calculation is set out in various adopted supplementary documents. Relevant guidance documents include Community Facilities (adopted September 2009; updated July 2013); Affordable Housing (adopted 2011) and Public Open Space, Sports and Recreation (SPD adopted July 2006). Essex County Council has adopted guidance documents in respect of Education and Transport contributions.

17.378 In addition to the above mentioned documents, the Council has a supplementary guidance documents that relates specifically to North Colchester. This SPD states that the development of this site will be expected to conform to adopted guidance on planning obligations in respect of the extent and nature of contributions which will be sought. The SPD provides an illustrative list of the type of infrastructure expected to be funded through this development. This includes:

- Off site transportation and highway works
- Travel planning and public transport contributions
- Provision of cycleways and footpath links.
- 35% affordable housing
- Site and funding/build of new primary school
- Site for a secondary school
- Provision and maintenance of various typologies of open space, sport and recreational facilities
- Landscaping
- New or extended community building and management set up/running costs for limited period

17.379 Paragraph 173 of the NPPF states that the scale of obligations and policy burdens should not be so great as to threaten the ability of a scheme to be developed viably. In order to be appropriate, the cumulative impact of local standards and policies should not put the implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Paragraph 176 states that where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.

17.380 The NPPF provides guidance on when planning obligations should be used. Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

17.381 The NPPF states that obligations should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

- 17.382 Regulation 122 of the Community Infrastructure Levy Regulations 2010 also establishes tests for the acceptability of making financial provision for works and services.
- 17.383 The Council's Development Team, which is composed of representatives from the Borough Council, County Council and the Health Authority, considers all major planning applications submitted to this Council and makes recommendations in respect of s106 obligations. The Development Team considered this application in May 2013. The Development Team noted that this planning application was the subject of a viability assessment and that this had demonstrated that the scheme could not fund all the requested s106 obligations. In view of the strategic importance of this development to the Borough, the Development Team noted the planning application and recommended that it was referred to this Council's Leadership Team for their views on s106 priorities. The Leadership Team considered the application on 13 June 2013 and advised officers the Council's key priority was the delivery of affordable housing. The Leadership Team's stated aim for s106 contributions provides a clear steer as to this Council's main priority; the Planning Committee is not however bound by their recommendation.
- 17.384 The occupiers of the proposed new dwellings will increase the population of Colchester, and so increase the use of local services and facilities. Local residents have expressed concern that this would be detrimental to those facilities and infrastructure. An important part of the determination of any planning application is an assessment of the impact that it would have on existing infrastructure. Where there would be an adverse impact, this can be mitigated through measures such as financial contributions toward (for example) highway improvements.
- 17.385 In the case of the current application, the mitigation measures assessed as necessary by this Council, the County Council and other statutory and non statutory consultees have been made to the Local Planning Authority. The Council has been advised by the applicant that the viability of the development is such that they can not afford all of the s106 obligations that have been requested.
- 17.386 In view of the above, the Council appointed BPS Chartered Surveyors to review the applicant's viability appraisal and through the Planning Performance Agreement procedure the level of s106 obligations has been reviewed in the light of the prevailing market conditions.
- 17.387 The context for this review is set by paragraph 173 NPPF which states "To ensure viability, the costs of any requirements likely to be applied to development, such as affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable".
- 17.388 The key considerations are therefore:
- a) Are the cost of development and the other assumptions that have been applied to the appraisal 'normal'?
 - b) Does the development appraisal demonstrate a competitive return to both land owner and developer?
 - c) Is the development deliverable if a greater burden of cost is placed upon it?

- 17.389 The applicant has provided a break down of all development costs, costs of funds, and sales revenues and these have been audited by BPS Chartered Surveyors on behalf of the Council. The assumptions have been found to be within the normal parameters of development in the current market. These assumptions include such items as: construction costs; professional fees; planning costs; cost of funds; land; predicted selling prices; marketing costs; etc.
- 17.390 A developer seeking to acquire land and undertake residential development will normally seek a return of 20% of the Gross Development Value (GDV) as a minimum. (This is generally held to represent a competitive return). The submitted viability assessment uses a project yield of 17.5% of GDV, which is below the 'standard' market level. In addition to this profit reduction, a land cost of less than £500,000 has been inserted in the appraisal. The Council's CIL evidence base explains that £500,000 per hectare is the minimum price at which land will come to the market for residential use.
- 17.391 Using the above assumptions, the viability assessment proposes 15% affordable housing and a package of s106 measures covering highways works, sustainable transport measures, public open space, community facilities and education contributions. The submitted assessment demonstrates that it is not possible for the scheme to be delivered if an even greater burden of cost is placed upon the developer.
- 17.392 The proposed planning obligations are discussed in greater detail below:

Affordable Housing

- 17.393 Affordable Housing is a key priority for the Council as well as national government. Core Strategy Policy H4, which seeks to secure 35% affordable housing from new developments, is therefore an important consideration. Based on the Core Strategy policy H4, this application should provide 560 affordable units. The Council's Leadership Team has recommended that the provision of affordable housing is the top s106 priority for this development.
- 17.394 The viability of this development is such that it can not provide 35% affordable housing. Following lengthy discussions, the applicant has proposed to provide a 15% minimum affordable housing across the whole scheme; this equates to 240 affordable units. Of this provision, a minimum of 10% of the units are to be provided as affordable rent (160 units); the remaining 5% (80 units) are to be provided as either shared ownership or shared equity (or in the case of any shared equity units an equivalent commuted sum to enable the provision off-site affordable housing).
- 17.395 The legal agreement will require the viability of the development to be reviewed during the course of the development in order to ascertain whether the development can provide an increased affordable housing percentage.
- 17.396 The requirement to provide affordable housing is directly related to this development and is fairly and reasonably related in scale and kind. The provision of affordable housing is also considered necessary to make the development acceptable in planning terms as it will help to address an identified need for cheaper housing and will contribute to the objective of creating mixed and balanced communities. The proposed affordable housing achieves an appropriate balance between housing need and the viability of the development. It is considered that the proposal to provide 10% of the units as affordable

rent and 5% as other tenures is the minimum necessary to make this development proposal acceptable. The affordable housing proposal is considered to accord with paragraph 173 of the NPPF.

Highway Works

- 17.397 The Transport Assessment identifies that the proposed development will have an impact on the wider highway network in North Colchester. A broad range of measures are proposed by the applicant to mitigate the impact of the traffic associated with this development. These works include:
- The widening of the southbound approach on Northern Approaches Road at its junction with Mill Road
 - The provision of a dedicated left-turn lane between the Northern Approaches Road northbound carriageway and the Boxted Road Link
 - The part signalisation of the Essex Hall Roundabout
 - The widening of Station Way between Essex Hall Roundabout and Colne Bank
 - Cost for delivery of the works at Essex Hall Roundabout, Station Way and Colne Bank Roundabout
 - The widening of the road between Station Way and Colne Bank Avenue
 - The provision of a shared footpath/cyclepath to Colchester Railway Station footpath/cyclepath and provision of a toucan crossing in Bergholt Road; and
 - The upgrading of footpaths / cycleways
- 17.398 A phased approach will be taken to the implementation of the highways works and the trigger points have been proposed for the delivery of these works. The off-site highway works will be undertaken by the applicant in accordance with the agreed submitted drawings and will be secured through planning conditions. In respect of the works at Essex Hall Roundabout, Station Way and Colne Bank Roundabout a financial cap of £4,475,000 is proposed. The Highway Authority is confident that the required works can be undertaken for this sum. Notwithstanding this, it is considered prudent for the legal agreement to include a clause to covering the scope of these works and the indexation of the money. This clause will require the developer and the Highway Authority to work together to secure additional funding in the event that the cost of the works exceeds the financial cap or agree alternative works. The parties will be required to consult with this Council; this Council will not be liable for any additional costs, however.
- 17.399 The highway works are called for through local plan policies TA1, SA NGA4 and NGA5 and the North Colchester SPD. The proposed off-site highway works are directly related to the development and the mitigation measures are considered proportionate to the impacts caused by the development.

Bus Strategy and

- 17.400 Policy TA1 of the Core Strategy seeks to improve accessibility and change in travel behaviour. Policy TA3 seeks to further improve public transport and increase modal shift towards sustainable modes of transport. Policy DP17 promotes Travel Plans and arrangements for their monitoring. The North Colchester SPD also promotes the use of public transport as a part of the development of the application site.

- 17.401 A s106 obligation of £330,000 is proposed as a part of the proposed bus strategy. This contribution is essentially a form of revenue expenditure that will subsidise the provision of bus services for a temporary period during the middle phases of the development. The contribution is directly related to this scheme and is reasonably related in scale to the size of this development. The contribution will promote sustainable transport habits to capitalise on the advantages of the site's location, thereby contributing to the promotion of sustainable transport advocated by the NPPF.
- 17.402 The submission of a travel plan is considered necessary for the delivery of sustainable development by facilitating sustainable forms of transport. A s106 obligation of £70,000 is proposed to assist with the implementation and monitoring of the travel plan. The proposed contribution is directly related to the development and has been calculated on a reasonable basis; the contribution will contribute to the promotion of sustainable transport advocated by the NPPF.

Education

- 17.403 Core Strategy policy SD2 provides that new development will be required to provide the necessary facilities. Table SD3 in the Core Strategy outlines the strategic level of community facilities that will be needed up to 2021, including those required for areas planned for growth. This table indicates that there is a requirement for primary schools in North Colchester and either a new secondary school site and/or expansion of existing secondary school provision at nearby schools. Site Allocation Policy SA NGA 2 Greenfield Sites in the North Growth Area states that the NGAUE development will incorporate education facilities (including secondary, primary, early years and child care). The North Colchester SPD states that this development will be expected to provide a site for a primary school with funding for its construction and a site for a secondary school. The guidance document Essex Developers' Guide to Infrastructure Funding Contributions 2010 Edition referred to in the letter from the County Council has not been adopted by Colchester as supplementary planning guidance.
- 17.404 The County Council has advised that according to the formula in Essex Developers' Guide to Infrastructure Funding Contributions, this development could generate a need for up to 154 EY&C, 480 primary, 320 secondary and 64 post-16 places. The County has advised that there is no surplus capacity in North Colchester for any age group due to a rise in the birth rate. A significant expansion programme has already been undertaken at primary level and additional capacity at the Gilberd is planned for 2015. The County has advised that there is very little scope for any further expansion of local facilities and therefore new facilities will be needed to accommodate the proposed housing. The County Council has advised that in addition to serviced land for primary and secondary schools, a contribution (estimated at circa £15m) will also be required for EY&C, Primary, Secondary and Post-16.
- 17.405 The application proposes serviced land (9.79 hectare) to enable the provision of a primary school and a secondary school. The County Council has welcomed the provision of the school sites and have confirmed that they are sufficient to meet their requirements. The cost of servicing the land, as required by the County Council, is estimated at £1,357,836.

- 17.406 In addition to the land for the provision of schools, a financial contribution of £1m has been offered towards the cost of the construction of the primary school. Due to the scheme's finances, it is proposed that this contribution is made in stage payments; this is considered reasonable. The contribution is directly related to the development in that it seeks to mitigate the impact of the new residential dwellings.
- 17.407 The cost of constructing a new primary school is estimated to be in the region of £5-6m. The viability of this development is such that it can not afford to fund the complete construction of a primary school (unless substantial reductions are made to other s106 areas).
- 17.408 No financial provision is made for the secondary school. The Planning Statement justifies this on the basis that the site identified for secondary school provision provides for the delivery of a 1200 place school and that the capacity of this school significantly exceeds the needs arising from the current development proposal. The Council's SPD for North Colchester suggests that the development is only required to provide land for the secondary school.
- 17.409 The County has advised that there is no surplus capacity within existing schools to accommodate to this development and that they do not have resources for building new schools. There is thus a significant mismatch between the size of this development and the contribution being offered by the applicant to mitigate the education impact. The failure to mitigate the impact of a development can justify grounds for refusal of planning permission. Notwithstanding the County's concerns regarding the lack of surplus capacity and the lack of funds for new school building, the County Council has not raised an objection to this application.
- 17.410 The provision of serviced school land and a financial contribution for the construction of a primary school will assist in mitigating the impact of this development. It is considered that the proposed s106 obligation complies with the tests in the Regulations and accords with the general principles of Site Allocation policy SA NGA2 and the North Colchester SDP. Whilst it is accepted that the suggested obligation does not meet the aspirations of the County in terms of the level of financial contribution they state as necessary to fully mitigate the impact of this development, this is not considered to constitute a sufficient reason to justify refusing this application.

Public Realm

- 17.411 Development Plan Policy DP16 (Private Amenity Space and Open Space Provision) notes that new development can place increasing pressure on existing open spaces. For this reason, new developments are required to deliver areas of either local or strategic open space to meet the varying needs of residents for recreation and leisure. The Council's adopted SPD on the Provision of Open Space, Sports and Recreation Facilities Open Space provides guidance on the level of contributions for commuted sums and the methodology for their calculation.
- 17.412 The planning application provides some 37.17 hectare of public realm which will be composed of various typologies (including natural and semi-natural green space, footpaths and associated infrastructure through the green spaces, woodland retention and enhancement, sport pitches, allotments & community orchards and formal hard and soft landscaping areas). The proposed public realm is being provided to meet the requirements of development plan policies and SPD guidance. The Council will be

afforded the first opportunity to adopt the public open space with an appropriate commuted sum. In the event that the Council declines the offer to adopt the public open space or the level of the commuted sum is lower than the standard commuted sum requirement (due to the viability of the development), an Estate Management Company will be established to maintain and manage the open space.

- 17.413 In addition to the above, a capped commuted sum of £700,000 is proposed for the provision and adoption (by the Council or the Estate Management Company) of play areas throughout the development.
- 17.414 No direct provision is made for indoor sports facility as a part of the current planning proposal. The intention is that the residents are able to share the sport facilities that will be provided as part of the development of the schools. A clause in the legal agreement is proposed to secure this arrangement. If the secondary school is not built, alternative provision will need to be made for indoor sport facilities (either on-site or off site). These alternative arrangements will be secured via the legal agreement.
- 17.415 The proposed development will increase demand for open space, sport and recreational facilities across the Borough and without a commitment to provide these facilities or a contribution for off-site provision, the development would further stretch the existing recreational facilities. The provision, construction and maintenance of the various typologies of public realm (including play areas) is required by Core Strategy policy PR1, Site Allocations Policy SA NGA2, Development Plan policy DP16, adopted Supplementary Planning Guidance on Open Space and North Colchester The proposed provision is considered the minimum requirement necessary to mitigate the impact of this development.

Community Centre

- 17.416 Policy SD2 of Colchester's Core Strategy provides that new development will be required to provide the necessary community facilities to meet the community needs arising from the proposal. In terms of community facilities, development proposals should also accord with Policy SD3 in the Core Strategy and Policy DP4 in the Development Policies DPD. The explanatory text to Policy DP4 notes that the use of developer contributions and that the mechanism for securing appropriate contributions are set out in the Community Facilities SPD and the Provision of Open Space, Sports and Recreation Facilities SPD.
- 17.417 Adopted planning policy and guidance require all new residential development to contribute towards the provision of community facilities. This is generally in the form of a financial contribution; however on large developments a new community facility on site is required.
- 17.418 The provision standard for community buildings is based on a calculation of 0.75sq.m. floorspace per dwelling. Accordingly a 1600 unit development could generate a need for a building of 1200sqm although it is acknowledged this is above the optimum size for a community building.
- 17.419 The current application proposes a new community building of 1000sqm. The cost of building this size facility is estimated at £1.450m.

- 17.420 It is acknowledged that the size of the proposed community centre is smaller than that required under the Council's standard formula. The Community Officer has advised that a 1000sqm community centre is generally considered to be the optimum maximum size for a community centre and that this size of the proposed centre will be sufficient to serve the needs of the new community, Officers are also mindful that if a 1200sqm community building is requested this will add some £275,000 onto the construction costs and that this is not considered to be justified given the development's overall viability.
- 17.421 In addition to the community building, it is proposed that a financial contribution of £75,000 is provided as seed funding to enable to the centre to establish itself as a viable stand alone operation.
- 17.422 The community building will be made available for assembly and leisure purposes by residents of the site and the surrounding area by community, voluntary, charitable, social or recreational groups or organizations. The proposed community building will therefore directly benefit the residents of the development and is considered to form an integral part of the development in terms of creating a sustainable community.

Health Care

- 17.423 Development Plan Policy DP2 requires that all developments are designed to help promote healthy lifestyles and avoid causing adverse impacts on public health. Where significant health service impacts are identified as a part of a development proposal, this policy states that planning obligations will be sought to mitigate this impact.
- 17.424 The Health Authority has requested a sum of £241,177 and has stated this contribution would be used to improve existing services at the existing facilities in Turner Road. The Health Authority has advised that setting up of a new practice is a more expensive (and complex) option than adding to the existing facilities. The Health Authority has also advised that they consider that this funding will complement improvements to this facility that are being funded by other s106 obligations.
- 17.425 Given the overall viability of this development, a contribution towards health facilities is not being proposed as a part of this application. The scope for new health care practices to be located within the Neighbourhood Centre remains open however. In the light of the advice set out in paragraph 173 of the NPPF, the failure to mitigate the impact of this development on existing health care provision is not considered to justify a reason for refusal.

Legal Requirements

- 17.420 There is no basis in planning law, policy or practice for withholding permission simply because a scheme is not viable or can not fund all requested s106 obligations. Moreover there is nothing in the NPPF to suggest that the presumption in favour of sustainable development is predicated on viability. Viability is not the same as deliverability. For demonstrable benefits, either towards the Core Strategy vision or towards the Government's *Growth Agenda*, delivery would need to be within the foreseeable future. The applicant has made known their intention to implement this development.

17.421 The underlying fundamental principle with s106 agreements remains that any benefits they secure must be related to planning in general, the proposed development in particular, and should address specific consequences of the development itself. An agreement cannot legally seek financial contributions for projects which have little or nothing to do with the development, nor can financial contributions far in excess of the reasonable costs of providing the facilities in question be justified. The agreement must seek a proportionate response to the effects of the proposed development. All suggestions and requests from third parties regarding s106 matters, including respondents to notification and statutory and non-statutory consultees, have been assessed against this statutory background and this is reflected in their presence or otherwise in the recommended heads of agreement.

17.422 The Council has been advised that the viability of this scheme is such that it can not afford to fund all of the requested s106 obligations. The proposed development can not therefore mitigate its full impact. The proposed development will however bring major public benefits to the Borough, including the delivery of housing (both private and affordable units) and community, leisure and educational facilities. In view of this, and in the light of the Government's Growth Agenda and the advice set out in paragraph 173 of the NPPF, it is not considered that the failure to mitigate the full impact of the development is sufficient to justify a reason for refusal. The suggested planning obligations are directly related to the development and are fairly and reasonably related in scale and kind. The proposed s106 obligations are therefore considered compliant with CIL Regulation 122.

18.0 Conclusions

18.1 The current application will deliver a mixed-use development that will provide a substantial quantum of residential development including much needed affordable dwellings, positively boosting the Borough's supply of housing. In the light of the Government's Growth Agenda, the provision of employment uses as part of a Neighbourhood Centre is considered to constitute a significant benefit of this proposal. The development would also bring economic benefits in the form of construction and associated jobs. Although the scheme would generate additional traffic on the highway network, it is considered that the proposed highway works, together with the provision of the bus strategy and travel plan, will ensure that any residual cumulative impacts of the development would not be severe. With regard to flooding, the weight of evidence does not support the view that the development would result in greater surface water run-off and exacerbate downstream flooding. There is sufficient evidence to be confident that overall the development would not cause significant harm to the ecology of the area and, with suitable mitigation, will enhance wildlife habitats. Bearing in mind the policies of the NPPF and the development plan when taken as a whole, the presumption in favour of sustainable development is a decisive factor. It is considered that those aspects of the planning obligation that help to mitigate the impact of the proposed development also need to be accorded due weight.

18.2 In conclusion, it is considered that the benefits of the scheme are not significantly or demonstrably outweighed by any adverse impacts and, as such, Members are asked to endorse the officer recommendation that planning approval should be granted (subject to the suggested conditions and the signing of the s106 agreement). Should Members be minded to resolve to grant of planning permission, the Secretary of State for

Communities and Local Government will need to be advised of this decision so that he can decide whether the application should be referred to him for his determination.

19.0 Recommendation

19.1 It is recommended that:

1. the Secretary of State is advised that this Council is minded to grant a conditional planning approval subject to i) his confirmation that he does not wish to call the application in for his own determination; and ii) the signing of a s106 legal agreement.
2. the Head of Commercial Services is authorised to complete the s106 legal agreement and undertake necessary amendments to ensure conformity between the planning conditions and the legal agreement.

19.2 The Head of Commercial Services is authorised to complete the agreement to provide the following:

- Affordable Housing
 - 15% minimum affordable housing contribution on each phase of the scheme
 - A minimum of 10% to be provided as affordable rent unless otherwise agreed with LPA. A maximum of 5% to be Intermediate tenure such as Shared Equity, Shared Ownership or Shared Equity Percentage Commuted Sum. For Commuted Sums the Market value of the properties being offered will be ascertained by an RICS redbook valuation.
 - Other form of rented tenure types may be acceptable if proposed by the Developer and accepted by the LPA.
 - Viability to be tested prior to the commencement of the 455th unit and again prior to 855th and finally at 1255th unit to ascertain if future reserved matter applications can support an increased affordable housing percentage up to a maximum of the then current policy target percentage.
 - Viability test to be based on agreed model with land costs fixed and index linked and profit percentages fixed and criteria so that if the parties do not agree it can be referred to an independent expert to adjudicate.
 - The assessments shall be submitted not earlier than the 355th, 755th and 1155th occupation unless otherwise agreed with LPA.
 - The type & size of Affordable Housing units in each phase to be guided by the SHMA that is relevant at the time and agreed by the Council
 - No more than 40% of the private dwellings on each phase to be occupied prior to contracts signed with RP for 50% of AH dwellings in that phase
 - No more than 80% of the private dwellings to be occupied prior to contracts signed with RP for 100% of AH dwellings in that phase
 - No future phase completions will be allowed until 100% of the previous phase affordable housing is delivered.
- Highway Improvements (on and off site)
 - Bus stops and upgrading of footpaths as identified

- The works at Essex Hall Roundabout, Station Way and Colne Bank Roundabout (shown on drawing numbers VN20059-711-B and VN20059-710-C) to be capped at £4,475,000 (index linked). In the event that the capital cost of these works exceeds £4,475,000, the developer is to work with Essex County Council to find additional funding to enable the works to proceed or identify an alternative scheme.
- Bus Strategy
 - To pay bus subsidy to a bus operator to facilitate a bus route to run through the length of the primary street in instalments up to a maximum contribution of £325,000
 - The bus subsidy is subject to the bus route not being viable prior to any payment. Payments will cease in the event that the bus service becomes viable. Provisions will set out the frequency, timings and route the service will take.
 - Developer to provide evidence to show £325,000 Index Linked has been spent on bus service. If less than any balance shall be utilised on sustainable transport initiatives agreed by the Council
- Travels Plans and Travel Co-coordinator
 - Developer to pay LPA a total of £70,000 in equal instalments at the first occupation and the [xx]th occupation. The contribution is to be used to implement the measures in the approved travel plans.
- Land to facilitate footbridge over the A12
 - To procure that the land shown on drawing xx is set aside for 10 years after the completion of the 900th unit for the construction of a footbridge over the A12.
- Education
 - The school land is shown on drawing xx (both primary and secondary shown separately).
 - Both school sites shall be set aside for a maximum of [ten years] from commencement of development in which time ECC must serve written notice within seven years that either/both part of the land are required to mitigate the primary or secondary educational impacts of development.
 - The developer is to undertake a scheme of noise mitigation prior to the transfer of the school land. The noise mitigation measures are not to form part of the school land. Arrangement for the maintenance and management of the noise mitigation measures are to be submitted.
 - Once the notice is served and serviced land is transferred for £1.
 - ECC have a further [3 years] from the date of completion of the transfer to construct the relevant school otherwise the relevant land is transferred back to the developer.
 - A community plan to be submitted setting out the arrangement for sharing the sports facilities
 - If the school site is returned to the Developer the Developer may apply for a change of use on this part of the site but serviced land will be reserved [xxha] for indoor sports provision for the scheme and offered to the Council for £1 or provide a financial contribution.
 - To pay primary school contributions of [£500,000] prior to the occupation of the 1,000th units and a further £500,000 prior to the occupation of the 1,150th unit

- Strategic Landscape Provision & Play Areas
 - The public realm shall be provided broadly in accordance with Landscape Framework Drawing with additional open space within the residential parcels.
 - The Developer will be able to either manage the open space via a suitable Management Company or may ask CBC or a 3rd party to adopt the land by paying a commuted maintenance sum £40,000 per hectare. CBC will not adopt incidental open space which is less than [0.02ha] in size.
 - Sports pitches are to be laid out to an agreed specification and made available prior to [xxth unit]. CBC to be offered the sport pitches with a commuted sum of £87,700 per hectare. In the event that CBC declines to adopt the sport pitches or the commuted sum offer is less than £87,700 per hectare a management company or other suitable organisation is to maintain them
 - Allotments are to be laid out to an agreed specification and made available prior to [xxth unit]. CBC to be offered the allotments with a commuted sum of £6,500 per hectare In the event that CBC declines to adopt the allotments or the commuted sum is less than £6,700 per hectare a management company or other suitable organisation is to maintain them
 - The developers' total obligation for the scheme with regard equipped play area construction and their adoption is capped at £700,000. CBC to be offered the play areas. In the event that CBC declines to adopt the play areas a management company or other suitable organisation is to maintain them.
 - The public realm is to be available to all

- Community Centre
 - By the 750th unit carry out a consultation with the local community to ascertain what type of building they would like within the available parameters.
 - By the 950th unit gain reserved matters consent, construct and handover a community facility with a maximum size of [1,000m2] and a maximum all in cost of [£1,495,000].
 - Developer to provide evidence to show £1,495,000.00 Index Linked has been spent on community facility. If less than any balance shall be utilised on education or indoor sports facility as agreed by the Council

- Employment and Training Plan

- Plaza Access and Management Plan

- Miscellaneous
 - Provision within the neighbourhood centre for a doctors surgery
 - Indexation will be applied to sums from the date of signing the s106 agreement
 - Mechanism for review of viability (including the reasonable costs of CBC seeking independent advice)
 - Pre adoption management and maintenance scheme
 - Monitoring & Legal fees

19.2 On completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the following conditions:

20.0 Conditions

1 – Non Standard Condition

Approval of the details of the layout, scale, design and external 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 and the landscaping associated with it (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 - Non Standard Condition

Approval of the details of the layout, scale, design and external appearance of any part of the non-residential development (NC1, NC2, EDU and OSF1 and OSF2) within each phase of the development hereby permitted and the landscaping associated with it ('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 – Non Standard Condition

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 – Non Standard Condition

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 – Non Standard Condition

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 – Non Standard Condition

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 – Non Standard Condition

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 – Non Standard Condition

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:

- VN20059-711-B – Essex Hall Roundabout (Part-Signalisation Scheme)
- 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
- VN20059-710-C - Colne Bank Roundabout Proposed Improvement Scheme
- 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 – Non Standard Condition

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) 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.

10 – Non Standard Condition

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.

11 – Non Standard Condition

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.

12 - Non Standard Condition

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 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 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, if appropriate, bus only; lanes, bus shelters and bus turning facilities;
- vii. details parking including parking/dropping off areas for schools; and
- viii. details of the timing of provision of the proposed uses.

(b) The 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 comprehensively planned and that there is appropriate integration between both the different parts of the development and the land surrounding the site achieved.

13 - Non Standard Condition

Save for the areas covered by Design Briefs in condition 12, prior to commencement of development or the submission 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.

14 – Non Standard Condition

Applications for the approval of reserved matters submitted pursuant to condition 1 above shall be in accordance with the Design Principles as approved. In addition to the Design and Access Statement previously referred to, the 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 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 both the different parts of the development and the land surrounding the site achieved.

15 – Non Standard Condition

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.

16 – Non Standard Condition

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.

17 – Non Standard Condition

No works 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.

18 – Non Standard Condition

No works 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.

19 - ZCA - Residential Code for Sustainable Homes (Part 1 of 2)

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes (or relevant superseding body) and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings 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.

20 – ZCB - Residential Code for Sustainable Homes (Part 2 of 2)

Within 3 months of the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher (or the equivalent level of the relevant superseding scheme) shall have been submitted to 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.

21 – Non Standard Condition

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.

22 – Non Standard Condition

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.

23 – Non Standard Condition

No works shall take place on any part of the site that is not covered by the archaeological evaluation submitted as a part of the outline planning application until a supplementary archaeological evaluation 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 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.

24 – Non Standard Condition

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.

25 – Non Standard Condition

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.

26 – Non Standard Condition

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 – Non Standard Condition

Prior to the commencement of development of land parcels 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 limited to a minimum 70 x 2.4 x 70 metre visibility splay 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 – Non Standard Condition

No more than 100 dwellings in total shall be occupied until the part signalisation of the Essex Hall Roundabout has been completed in accordance with drawing number VN20059-711-B and brought into operation.

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.

29 – Non Standard Condition

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.

30 – Non Standard Condition

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.

31 – Non Standard Condition

No more than 460 dwellings in total shall be occupied until the works shown 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.

32 – Non Standard Condition

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.

33 – Non Standard Condition

No more than 1305 dwellings in total shall be occupied until the works shown drawing number VN20059-710-C have been completed and brought into general public use. For the avoidance of doubt these works include the widening of Station Way between Essex Hall Roundabout and Colne Bank Roundabout to provide 4no. full width running lanes and an enlarged dedicated left slip lane between Station Way and Colne Bank Avenue.

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.

34 – Non Standard Condition

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.

35 – Non Standard Condition

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.

36 – Non Standard Condition

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.

37 – Non Standard Condition

No works shall start on residential parcels R18 to 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.

38 – Non Standard Condition

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.

39 – Non Standard Condition

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.

40 – Non Standard Condition

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.

41 – Non Standard Condition

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 Haycroft have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed development prior to the closure of the existing Fords Lane junction onto Nayland Road.

Reason: To ensure that the existing properties in Fords Lane and Haycroft have appropriate vehicular access arrangements following the closure of existing Fords Lane junction onto Nayland Road and the implementation of this development.

42 – Non Standard Condition

No commencement of any phase of the development (as defined by the Strategic Phasing Strategy) shall take place until details of the layout, construction specification and materials of the following 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 to 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 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.

43 – Non Standard Condition

No phase of the development hereby permitted or part thereof shall commence until following details have been submitted 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 any phase of the development shall take place until the agreed details have been provided

Reason: To protect highway efficiency of movement and safety.

44 – Non Standard Condition

All residential properties located more than 400m from a bus stop (as agreed under condition 43 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.

45 – Non Standard Condition

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.

46 – Non Standard Condition

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 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.

47 – Non Standard Condition

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 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.

48 – Non Standard Condition

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.

49 – Non Standard Condition

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.

50 – Non Standard Condition

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.

51 – Non Standard Condition

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.

52 – Non Standard Condition

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.

53 – Non Standard Condition

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 installation, have 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.

54 – Non Standard Condition

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.

55 – Non Standard Condition

No works permitted by reserved matters application(s) shall not commence until full details of both hard and soft landscape proposals for that phase 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 artefacts and structure (e.g. furniture, play equipment, dog litter bins, litter bins, boardwalks, signs, street lighting, external services, etc), proposed functional services above and below the ground. Soft landscape details shall include planting plans, specification (including cultivation and other operations associated with plant 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 and implementation timetable.

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.

56 – Non Standard Condition

Prior to the commencement of any works permitted under reserved matters application(s), a Landscape Management Plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The Landscape Management Plan shall thereafter be 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.

57 – Non Standard Condition

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.

58 – Non Standard Condition

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 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

59 - Non Standard Condition

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.

60 – Non Standard Condition

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

61 – Non Standard Condition

Prior to the commencement of any reserved matters development a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that light spillage from 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

62 – Non Standard Condition

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.

63 – Non Standard Condition

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.

64 – Non Standard Condition

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. 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 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.

65 – Non Standard Condition

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.

66 – Non Standard Condition

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.

67 – Non Standard Condition

No works shall start on any development granted reserved matters approval until a detailed remediation scheme to bring that Phase 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.

68 – Non Standard Condition

No works shall start on any 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.

69 – Non Standard Condition

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 66 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 67 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 68.

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.

70 – Non Standard Condition

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:

- 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 LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

There shall be no residential development undertaken on any phase or part thereof until such a scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The measures agreed in writing with the Local Planning Authority 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 agreed form

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise.

71 – Non Standard Condition

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.

72 – Non Standard Condition

Prior to the implementation of 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 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).

73 – Non Standard Condition

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 or any Saturday nor at all on any Sunday or Bank or Public Holiday.

Reason: To protect the amenity of local residents.

74 – Non Standard Condition

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:

- 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 uses at the right scale to comply with the town's retail hierarchy and future employment provision.

75 – Non Standard Condition

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.

76 – Non Standard Condition

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.

77 – Non Standard Condition

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.

78 – Non Standard Condition

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.

79 – Non Standard Condition

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.

80 – Non Standard Condition

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.

81 – Non Standard Condition

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 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.

82 – Non Standard Condition

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.

83 – Non Standard Condition

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.

84 – Non Standard Condition

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.

85 – Non Standard Condition

No phase of development or part thereof shall be occupied until a validation report for that part of the development has undertaken by competent persons to demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone (EZ1 AONB; EZ2 rural, small village or dark urban areas; EZ3 small town centres or urban locations; EZ4 town/city centres with high levels of night-time activity) . The report shall be submitted to and agreed in writing by the Local Planning Authority and any lighting installation shall thereafter be retained and maintained as approved.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

86 – Non Standard Condition

The reserved matters planning application(s) shall include 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. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of fire safety.

21.0 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. Alternatively they can email any queries to Essex County Council via 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.

21.0 Positivity Statement

WA2 - Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

AMENDMENT SHEET

Planning Committee
26 September 2013

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 121272 – North Colchester Urban Extension, Mile End Road, Colchester

Representations:

Great Horkesley Parish Council made the following comments in respect of this application:

- The knock on effect from the traffic needs to be considered
- The assumption made in respect of the use of public transport needs to be reconsidered; and
- The impact on secondary schools needs to be considered

The above comments were unfortunately omitted from the main report.

The Council has received a further 40 representations (objections) to this application. The concerns raised reiterate many of the objections that have previously been made in respect of this application. One new concern relates to whether the application has been sufficiently advertised.

Officer comment: Section 9 of the reports sets out the notifications undertaken in respect of this application. In addition to the neighbour notification letters that have been sent out, sites notices were placed on or near the site. (Fords Lane, Mile End Road, Bartholomew Close, Bosted Road, Nayland Road, Golden Dawn, Prior Way, North Station Road Mill Road (opposite 74 Mill Road) and Essex Hall). The application was also advertised in the local press. It is considered that the application has been publicised in accordance with the relevant regulations.

An objection has been received from the owner of no.74 Mill Road regarding the proposed alteration of the NAR3 / Mill Road junction. The concerns raised by this resident are set out below:

- The road alteration / development will result in a reduction in the value of the property.
- Moving the junction nearer to no.74 is likely to result in damage to the property from vibrations caused from the increased traffic.

- The property (internally and externally) will suffer from increased noise levels.
- Safety - Currently, cars use mill road junction as a race track, making larger lanes will offer these racers more lanes to race with! The crossings do not allow sufficient time to cross the road and there is not sufficient room in the centre island to keep parents and children safe.
- The island in front 74 Mill Road is not long enough; cars coming from the northern approach enter Mill Road, go just past the Island towards Severalls and then turn right into smile clinic which has caused accidents. This is a very dangerous section of road; increasing the traffic from this development will not help unless island is altered and made longer to stop cars from being able to turn into clinic.
- Traffic near Asda and North Station is horrendous in rush hour traffic and weekends, what are Mersea homes planning to do with that?

Officer Comment: The off-site highway improvement works will be implemented under the relevant Highways Act. The Highway Act includes provision to address the concerns raised by the owner of 74 Mill Road.

Report Correction

The final sentence of paragraph 17.105 should read “The Localism Act does not remove these requirements”.

Clarification of Highway commentary:

The report refers to highway works outlined in the Transport Assessment which was submitted as a part of the original application submission. Concern has been expressed that it has not been made explicitly clear in the report that the highway mitigation works have been amended following discussion with the Highway Authority. The planning conditions that refer to required highway improvement works reference the most up-to-date highway works drawings and trigger points.

Amendments to planning conditions:

Following further discussions with Natural England it is recommended that condition 58 is reworded to reflect requirements of condition 59, namely that each reserved matters application is in accordance with Ecological Design Scheme.

Prior to submission of the first reserved matters application for the development hereby permitted, a specification for supplementary ecological surveys (including birds, bats, newts reptiles and stag beetles) 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 updating the ecological 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 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.

Heads of Terms Update

The Heads of Terms in relation to Bus Strategy should refer to a maximum contribution of £330,000 (index linked) and not £325,000.

The Transportation Policy Manager has commented that the Bus Strategy and Travel Plan / Travel Plan Co-ordinator sections of the s106 Heads of Terms will need further refinement to ensure the delivery of appropriate bus services (trigger points, frequency, timings and routes etc) and that the developer should appoint a travel plan co-ordinator to deliver the approved measures in accordance with the requirements of the travel plan; this should include travel packs, movement surveys and a review process.

In view of the above suggestions, it is recommended that that the requirement to prepare and implement a Travel Plan is made part of the s106 agreement rather than a planning condition.

The Education Authority has commented that the suggested Heads of Terms in relation to Education will need to refer to primary, secondary, post 16 and/or Early Years & Childcare provision, the land will need to be appropriately serviced (including noise mitigation) and greater flexibility should be provided in the trigger points for the transfer / delivery of the schools. The Education Authority has raised a point of caution in respect of the proposed community plan noting that this should not prejudice the primary function of the school and that charges (to cover running costs etc) will need to apply. ECC also note that the school Governing Body would ultimately be responsible for negotiating the community plan. The Education Authority has requested that the education contribution is paid prior to commencement of development for on or off site education and/or childcare provision within three miles of the development. They have also asked that the developer does not make any public reference to the reserving of land for education purposes unless and/or until a decision has been taken by the appropriate authority to proceed with a new school.

Officer comment:

Payments and timing of the education contribution need to be in-line with overall viability of the development. The full payment of the education contribution prior to the commencement of the development would have an adverse effect on cash flow of this scheme and thus put in jeopardy other s106 obligations. The not make any public reference to the reserving of land for education purposes or the potential delivery of a school on the development unless and/or until a decision has been taken by the appropriate authority to proceed with a new school would not meet the s106 tests. This could however be added as a planning informative.

The Heads of Terms in planning committee reports do not usually providing details of trigger points or the mechanism for delivering agreed contributions. This is due to the fact that such specific details are frequently not agreed until the agreement has been substantially drafted as they can affect its operation. In the case of the NGAUE development, it was considered appropriate to provide a more detailed framework from which to 'hang' the s106 obligations. While this remains the case, it is important recognise that the triggers points and/or the mechanism for delivering of the planning obligations may require adjustment to enable the legal agreement to operate effectively. In view of this, it is recommended that the Head of Commercial Services has the authority to amend the mechanism for delivering the required outcomes. This is consistent with the existing scheme of delegation whereby the Head of Commercial Service is authorised to agree to the alteration of a s106 agreements (including changes to triggers, phasing and timing) provided the outcomes remain the same.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes, sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.