

AMENDMENT SHEET

Planning Committee 30 May 2019

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 182220 – Fiveways Fruit Farm, Heath Road, Stanway

New conditions (attached at the end of this Amendment Sheet)

Education contribution; The applicant has agreed the principle of off-site contributions for Early Years, Primary and Secondary Education. However clarification from ECC on the details of how these costs are calculated is outstanding. It is therefore recommended officers have delegated powers to agree the exact contribution/s in consultation with and subject to the agreement of ECC. If agreement cannot be reached the application will be reported back to Committee.

Since the report was drafted the applicant has commented on the draft conditions and a revised list of conditions is produced. (attached) The requirement of the conditions is unaltered and the revisions relate predominantly to phasing and combining the full and outline permission into a single document.

Agreement has not been reached in respect of the wording for a condition on air quality (condition 10 page 49 of the agenda). Environmental Protection recommended this condition and the applicant has responded to explain information on the impact on air quality is included in the Transport Assessment. Environmental Protection have subsequently advised their specialist consultant on air quality should be consulted, this response is awaited. In the unlikely event agreement is not reached on the wording of the condition the application will be reported back to members.

Since the report was prepared three further representations have been received the majority of the objections raised are set out in the committee report but the following comments are also made;

- It is vital we put a halt to further mass development across Stanway until community infrastructure is planned and delivered to match, including a final decision on the proposed A12 and A120 upgrade schemes
- residents of Heath Road will have the new development built at the back of their gardens, it would not be very nice to have flats overlooking our houses, is it possible to keep the trees at the back of our properties?

Councillor Scott-Boutell has submitted the following comment:

In respect of the Open Space Sport & Recreation; I strongly support, in fact I believe it to be essential, having discussed this point with CBC's Development Manager, that CBC manages facilities/open space because of the issues encountered in the past, leading to CBC having to enforce Open Space

Management plans submitted. Residents expect the Local Authority to manage open spaces and play areas. *Officer comment: It is not possible for the lpa to insist that open space is maintained by CBC. However the resolution can be strengthened to make it clear that all the trigger points, mechanisms and associate clauses for all the obligations are to be discussed and agreed. In respect of open space an Open Space Scheme will be agreed together with an Open Space Management and Implementation Plan. Approval of the Management Company and management/maintenance responsibilities for the open space prior to formal adoption/transfer to management company will also be required.*

The applicant has requested a briefing note be circulated to the Committee **(attached at the end of this Amendment Sheet)**

Councillors Dundas and Scott-Boutell are unable to attend the meeting in person and have submitted representations in written form which are attached at the end of this Amendment Sheet

7.2 190424 – Land at East Bay Mill, 19 East Bay, Colchester

Highway Authority Comments

The Highway Authority have carried out a site visit and have evaluated the highways and transportation information submitted in support of the planning application that includes a road safety audit. It is noted that vehicular access to the site is currently afforded from the southern side of East Street via an access road which forms part of the highway network along part of its length before becoming a private access road. The access road currently serves the East Bay Allotments and forms part of National Cycle Route 51.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:

1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

2. Prior to occupation the provision of the highway works shown in principle on drawing 2018/4413/010 D to include but not be limited to the following:

- The removal of existing gates and fencing and the carrying out of any works to the trees/vegetation along that part of the access track located within highway.

- Full depth reconstruction of that part/part(s) of the access road located within the highway and provision of a 6 metre wide access road with adjacent parking area/lay-by and local widening to form a turning area.
- Build out of the eastern radius kerb at the junction with East Street and the provision of a 2 metre wide footway and associated dropped kerbs.
- The provision of associated signage and road markings, including additional replacement signage/sculpture for National Cycle Route 51.
- Associated surface water drainage and street lighting works.
- An appropriate Traffic Order to regulate parking in the highway.

Reason: To ensure that appropriate access is provided for all highway users in the interests of highway safety.

3. Prior to the first occupation of the development the provision of the private access and parking arrangements shown on the approved drawings, including drawing 2018/4413/019 A, to comprise of:

- Stand-off area from wall adjacent to listed building afford improved forward visibility splays.
- Widening to the track to allow where possible to provide enough width for the passage of two vehicles.
- Reconstruction/surfacing of the access track.
- Vehicle and cycle parking.
- Cycle compatible traffic calming measures.
- Overrun strips
- Signage for private parking beyond the southern junction of the loop with the access road.

The access, parking and turning arrangements shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, parking and turning is provided and to maintain access for pedestrians and cyclists using National Cycle Route 51.

4. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable transport and development.

The above measures are required to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

i All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1-Essex Highways, 653 The Crescent, Colchester C04 9YQ.

ii. The layout as submitted would not be suitable for adoption by the Highway Authority.

iii. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway

iv. Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.

Officer comment:

Suggested condition 1 is similar to the requirements of condition 8. It is therefore recommended that the suggested condition of the Highway Authority is merged with condition 8.

Suggested condition 4 is similar to condition 25. Again it is recommended that the suggested condition of the Highway Authority is merged with condition 25.

Suggested conditions 2 and 3 will need to be reworded to ensure that the required works are enforceable.

Update on S106 Contributions

The planning application was re-considered by the Development Team on 16 May 2019. The Development Team noted scheme was not viable and that a contribution (approx. £167,000) was being offered by the developer. This contribution effectively equates to contribution requests made in respect of transportation and highways, archaeology and education. The Housing Development Officer noted that that affordable housing was a Corporate priority. It was explained that the transportation and highways contributions were being offered to encourage the use of sustainable modes of transport and to help overcome the perceived concerns surrounding reduced parking provision. The applicant had suggested that the remaining contribution was spent on education as this had been raised as a local priority. It is accepted that education and affordable housing are competing priorities. Following discussion with the Housing Development Officer, it was agreed that any surplus identified when undertaking the viability review should go to affordable housing and that a cascade mechanism should be introduced requiring the education contribution to be spent within 5yrs of receipt and that any unspent monies are reallocated to affordable housing thereafter. ECC were invited to the Development Team but did not send a representative.

In view of the above, it is recommended that the 'education' contribution is paid to CBC and ECC request the money from CBC when a scheme has been identified / ready for implementation. This proposal will mean that ECC will not need to be a party to the legal agreement and this will enable this Council to reallocate the contribution to affordable housing after five years. Officers believe that a 5 year period in which to spend the education contribution is reasonable as the contribution is intended to mitigate the impact of the development.

ECC (Education) has been advised of the above. ECC Officers are of the opinion that they should be party to the agreement and do not agree to a 5 years spending limit; this is on the basis that their standard requirement is 10 years. They have also expressed concern that the proposed approach will set a precedent. Whilst the views of ECC are appreciated, Officers do not believe that the proposed approach to contributions will set a precedent as this development represents unique circumstances in terms of site constraints and viability.

A further letter of representation has been received. This states:

My previous comments have been listed as being merely 'comments' but they have been inaccurately described as such. My comments are an OBJECTION to the proposal on the grounds that there's not enough parking provision and that the access road is insufficient to safely and adequately cater for the increased level of traffic on what has traditionally been a long-standing and historic cycle route. I have assisted 2 cyclists who have come off after going round the corner and hitting into another cyclist. I have also seen how badly people park now around this area, but with the inevitable requirement for further parking for any new residents should this application be granted, this situation will become chaotic and dangerous.

Amendments to Conditions

1. ZAA - Time Limit

Condition amended to extend the timeframe for the commencement of the development from 12 months to eighteen months.

2. ZAM - Development to accord with Approved Plans

Condition amended to reflect updated drawing nos.

0001 Site Location Plan Rev

0502 PL_1100 REV C Proposed Ground Floor Plan

0502 PL_1300 REV D Proposed House Type 1 - Listed Building

0502 PL_1301 REV B Proposed House Type 2

0502 PL_1302 REV C 1302 Proposed House Type 3

0502 PL_1303 REV B Proposed House Type 3A

0502 PL_1304 REV C Proposed House Type 3B (received on 14 May 2019)

0502 PL_1305 REV B Proposed House Type 3C

0502 PL_1306 REV C Proposed House Type 4 (received on 14 May 2019)

0502 PL_1307 REV C Proposed House Type 5 (received on 14 May 2019)

2018 4413 019 Rev 1 Surface Materials Plan

9. Non Standard Condition - Recording and Protection of Heritage Assets

Condition amended with the wording *relating to the Listed Building* inserted after "Prior to the commencement of any works"

16. ZFB - *Full Landscape Proposals TBA*

Condition amended with the wording *above slab level* inserted after "No works of development shall take place"

23 Non Standard Condition – Parking Provision

Condition reworded to secure the provision of a parking space of the car club car

Notwithstanding the details shown the submitted drawings, a revised parking scheme, which shall include a dedicated car parking space for the car club, shall be submitted to and approved in writing by the Local Planning Authority. No unit shall be occupied until the car parking space(s) intended to serve that unit and any associated unallocated visitor car parking space(s) intended to serve that part of the development have been hard surfaced, sealed, marked out and made available for use to the satisfaction of the Local Planning Authority. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that each unit is provided with an appropriate parking space and that the unallocated parking space available for use by all residents and their visitors and in the interest of highway safety.

Condition amended to include the provision of a parking space for the car club.

Additional conditions

Prior to the occupation of any units hereby permitted, the bus stop to the north of the site on East Hill / East Street (east bound) shall up graded in accordance with a scheme that shall have previously been agreed in writing with the Local Planning Authority but shall comprise as a minimum level entry kerbing, new post and flag. The development shall be implemented in accordance with the agreed details.

Reason: In the interest of promoting public transport and improving mode shift

The single flat roofed addition to plot 20 shall be not be used or accessed except for the purpose of maintenance.

Reason: To protect the privacy of adjacent dwellings.

7.4 181783 – Coopers Beach Holiday Park, Church Lane, East Mersea

Following the completion of the committee report, ecologists are undertaking specific surveys for bats and newts on site. This is because there is a chance

that these species could be present on site. The submitted Phase 1 Ecology Report identified the site as potentially supporting bats and newts.

The ecologist recommended a great crested newt survey is conducted to determine whether this species could be using the site during terrestrial phases.

The ecologist recommended prior to any development at the site commencing that bat surveys are carried out to establish the presence/likely absence of roosting bats in order to identify measures to avoid or mitigate impacts.

A summary from the ecologists provided on 29/05/19 is provided below:

- **Great Crested Newt eDNA survey:** *We have visited the site surrounds to review the suitability of the off-site waterbodies for Great Crested Newts and, where appropriate, take samples for testing for Great Crested Newt DNA. So far all waterbodies to which we have been granted access have been dry and therefore unsuitable for Great Crested Newts. We are endeavouring to gain permission to access further off-site waterbodies and, if possible, will be sampling these too.*
- **Phase 2 bat survey:** *We have commenced the Phase 2 bat survey. All buildings have been covered on at least one occasion and to date we have recorded low-status non-breeding roosts relating to up to 3 Pipistrelle bats. Pending confirmation via the remaining survey visits, this indicates that works can be carried out under a Low Impact Class Licence for which no replacement roost provision is required due to lack of risk of impact on the favourable conservation status of the local bat population; we would however recommend that works are carried out in a sympathetic manner (as would be required under the licence) and bat boxes provided as a matter of good practice.*

Given the findings of the ecological survey work to date, subject to standard mitigation/avoidance measures current knowledge suggests it is unlikely that the proposed development would have any impact on the favourable conservation status of the above species. I would propose however that any planning consent granted includes a condition requiring that the completed surveys, together with any proposals for mitigation and enhancement, are submitted to the planning authority for approval. This would allow them to fulfil their duty under the 2006 NERC Act/ Habitats Regs in a proportionate manner.

The bat survey has currently being undertaken to industry guidelines which requires a minimum of two weeks between surveys. In addition to this surveys for bats and newts are usually undertaken April/May, these constraints have resulted in a delay in the surveys being submitted to the LPA however the surveys are in process. As such, the recommendation for this committee item is for deferral and delegation to officers in order to allow the surveys to be submitted.

Recommendation to the Committee:

Deferral and Delegation to Officers to await the full submission of bat and newt surveys. Subject to such matters being resolved, APPROVAL of planning permission subject to the conditions in the report.

NOTE – Further conditions may be added as suggested by the ecologist undertaking the surveys.

Agenda Item 8 – Request for Development of Variation – Hill Farm, Carters Hill, Boxted

Additional information for clarity:

Schedule 3 Part 3 of the s106 does not currently allow for the affordable units to be charged to a lender as it restricts a disposal of the Affordable Housing units to a Registered Provider (or other body approved by the Borough Council) only. It is not, therefore, possible for the units to be charged to a Lender. Even if this provision were in place, the current mortgagee exclusion clause has the effect that a Lender will only lend finance at a reduced value. The proposed Deed of Variation seeks to amend this part of the s106 so that the Affordable Housing units can be charged to a Lender and for additional finance to be raised for the provision of Affordable Housing.

Further information is set out in section 4.0 of the Report.

1. ZAC - Time Limit for Outline Permissions

No development (other than the highway works shown on COTTEE Transport Planning drawings 1629/19 dated March 2019 or 1629/16 dated June 2018) shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. ZAD - Time Limit for Outline Permissions

The first application for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Time Limit for subsequent Reserved Matters

The last application for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of eight years from the date of this permission.

Reason: To ensure all the Reserved Matters are submitted within a satisfactory timescale.

4. ZAE - Time Limit for Outline Permissions

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the first of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

5. ZAM - Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the following submitted plans (unless otherwise approved pursuant to condition 31 below) Drawing Numbers OPA /15014 – 1001(Location Plan); OPA/15014-PP02L3 in so far as it relates to the Fiveways Junction and access points to Dyers Road (Access and Movement Plan); 1629/19 (Fiveways junction);1629/16 and 1629/16A (Dyers Road access points).

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

6. Non Standard Condition – Masterplan and Phasing

The first Reserved Matters application/s shall be accompanied by a Masterplan setting out design principles and proposed phasing for the whole of the application site. Other than highway works, no development shall commence until the Masterplan has been approved in writing by the Local Planning Authority. Each subsequent Reserved Matters application shall be accompanied by a drawing showing how it fits in with the approved Master plan (or shall otherwise include an updated Masterplan for written approval pursuant to this condition), provisions of the Section 106 and other agreed commitments.

Reason: In order to ensure the phased development of the site is carried out in a co-ordinated and coherent manner and in accordance with an over-arching design and access strategy.

7. Non Standard Condition - Construction Method Statement

No works (including any demolition works) shall take place within any phase of the development, or any of the highway works shown on drawings 1629/19, 1629/16 and 1629/16A, until a Construction Method Statement for the highway works or that phase of the development, has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for that phase of the development and shall provide details for:

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

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

8. Non Standard Condition - Limits to Hours of Work

Unless otherwise agreed in writing with the Local Planning Authority, no demolition or construction work (including any of the highway works shown on drawings 1629/19, 1629/16 and 1629/16A) shall take place outside of the following times ...”

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

9. Non Standard Condition - Construction traffic management plan

Prior to commencement of each phase of the development, or any of the highway works, a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February

10. Non Standard Condition - Street Name Signs

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

11. Non Standard Condition - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place (other than demolition) in the areas identified at Paragraph 9.1 of the submitted Site Investigation Report 91653/Rpt 3.5 dated August 2018) until further investigations and risk assessment, in relation to those areas, has been completed in accordance with a scheme to assess the nature and further extent of any contamination in these areas. The details of the further investigative work shall be subject to the prior 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

12. Non Standard Condition - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place (other than demolition) in the area referred to in condition 11 above until a detailed remediation scheme to bring the site 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 has been prepared and then submitted to and agreed, in writing, by 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

13. Non Standard Condition - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No further works shall take in the areas identified in condition 11 above other than that required to carry out remediation, until the approved remediation scheme has been carried out in accordance with the details approved. 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.

14. Non Standard Condition - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

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 11 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

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.

15. Non Standard Condition - Validation Certificate

Prior to the first OCCUPATION of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 12 and 13.

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

16. Non Standard Condition - Site Levels Plan

No development approved by any Reserved Matters application/s for new buildings shall commence until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill have been submitted to and approved in writing by the Local Planning Authority relating to those buildings. The development shall thereafter be completed in accordance with the approved details.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

17. Non Standard Condition - Materials To Be Agreed

The reserved matters application/s shall include precise details of the manufacturer and types and colours of the external facing and roofing materials. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

18. Non Standard Condition - Full Landscape Proposals

No works above ground slab level, or any of the highway works shown on drawings 1629/19, 1629/16 and 1629/16A, shall commence until landscaping details associated with the highway works or for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the completion of the highway works or occupation of the phase of the development to which they relate, unless an alternative implementation programme is agreed as part of the submitted details.

The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

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.

19. Non Standard Condition - Landscape Management Plan

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

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

20. Non Standard Condition - Boundary Treatments

No works above ground slab level shall commence on any phase of the development until details showing the positions, design, materials and type of boundary treatment to be erected on that phase of the development, have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatment shall then be completed in full accordance with the agreed details BEFORE EACH INDIVIDUAL DWELLING TO WHICH THE BOUNDARY TREATMENT RELATES IS OCCUPIED / TO A TIMETABLE THAT WILL HAVE ALSO PREVIOUSLY BEEN AGREED, IN WRITING, BY THE LOCAL PLANNING AUTHORITY. The treatments shall be retained in their approved forms at all times thereafter.

Reason: To ensure that the boundary treatments are satisfactory and are situ at the time when they are required in order to achieve a satisfactory development and to avoid any loss of amenity to the neighbouring properties.

21. Non Standard Condition - Tree and Natural Feature Protection

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.

22. Non Standard Condition - Tree and Hedgerow Protection

No works shall commence on any phase of the development until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree/Hedgerow Protection Plan in accordance with BS 5837 for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree/hedgerow works, tree/hedgerow protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees./hedgerows.

23. Non Standard Condition - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, identified as being retained in the relevant arboricultural approved pursuant to condition 22 above, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

24. Non Standard Condition - RAMS Mitigation

The reserved matters application/s shall include a detailed mitigation scheme to demonstrate the development secures full adherence with the Essex Coast RAMS. The approved scheme shall be implemented in accordance with an agreed timetable.

Reason: To ensure the development does not have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

25. Non Standard Condition - Surface Water Drainage scheme

No Surface Water Drainage works on any phase of the development, shall take place until a detailed surface water drainage scheme for that phase of the development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the site, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide and shall subsequently be implemented prior to occupation and should include but not be limited to:

- It is noted that some infiltration tests have not been undertaken in accordance with BRE 365 requirements, where a 75% draindown has not been achieved. The detailed drainage scheme should provide further testing undertaken which confirms that infiltration is suitable in the proposed soakaway location and at the soakaway depth required, or provide details of a secondary surface water drainage disposal method.
- Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events, or to an absolute minimum of 50% betterment on existing runoff rates with reasoning for this approach.
- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
- Provision of suitable 'urban creep' allowance

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- Please provide details on how management company services for the maintenance of shared drainage features shall be funded and managed for the lifetime of the development.
- Evidence that adequate attenuation storage applied with appropriate controlled runoff rates has been provided to ensure a half empty time of 24 hours for the critical event is provided, or enough volume is provided to contain a 1 in 10 year rainfall event within the storage within 24 hours of the 100 year rainfall event.
- Details of the preferred attenuation crate system and evidence that the system can be constructed as per drawing no. IP16_164_08_SK003.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

26. Non Standard Condition - Maintenance Plan for surface water drainage system

No Surface Water Drainage works on any phase of the development shall take place until a Maintenance Plan for that phase of the development detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

27. Non Standard Condition - Bats and Artificial Lighting

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018).

Reason: In order to minimise risk of disturbance of potential features that may provide bat commuting and foraging habitat.

28. Non Standard Condition - Ecological Mitigation and Management Plan (EMMP)

No works shall take place on any phase of the development until an Ecological Mitigation and Management Plan (EMMP) including an Implementation Timetable relating to that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall include, but not be limited to, the proposed mitigation detailed in the submitted Ecological Assessment. The development shall be carried out and maintained in accordance with the approved EMMPs.

Reason: In order to mitigate the impact of the development upon ecology and biodiversity and in the interest of ecological enhancement.

29. Non Standard Condition - Implementation of the approved Traffic Regulation Order

No occupation of the development shall take place until implementation of the approved Traffic Regulation Order FP/234/08/18 and associated works to prohibit vehicular traffic in Dyers Road has been provided or completed

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

30. Non Standard Condition - Spine Road to be completed

No occupation of any dwelling served off the spine road shall take place until a roundabout, the realignment of Dyers Road and Heath Road and part of the spine road at and near the Fiveways junction as shown on planning application drawing number 1629/19 dated March 2019, or such alternative works as may be agreed by the Local Planning Authority in writing pursuant to the submission of details relating to this condition, has been provided or completed

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

31. Non Standard Condition - Spine road to be completed

No more than 150 dwellings served off the spine road shall be occupied until the spine road has been completed and open for use by general traffic between where it meets that part of the spine road to be provided by planning permission reference 152826 and the works specified under requirement 30 above.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

32. Non Standard Condition - Improvement to the southern arm of the Tollgate West/Stanway Western Bypass

No more than 150 dwellings served off the spine road shall be occupied until an improvement to the southern arm of the Tollgate West/Stanway Western Bypass roundabout as shown in principle on planning application drawing number 1629-TW/WB-01A dated June 2018 has been provided or completed

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

33. Non Standard Condition - Restriction on number of dwellings served by private drive

There shall be no more than five dwellings served from each of the private drives off Dyers Road, unless otherwise agreed, and none of these dwellings shall be occupied until the relevant drive's connection to Dyers Road as shown in principle on planning application drawing number 1629/16 dated June 2018 has been provided or completed

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

34. Non Standard Condition - Details of spine road construction

The spine road shall be laid out and constructed to ensure the following is provided or completed:

- a) As it is likely to be the route of a bus service or services, it and any new bus stops shall be positioned to ensure all dwellings are within 400 metres of it
- b) A minimum 6.75 metre wide carriageway, one minimum 3.5 metre wide footway/cycleway and one minimum 2 metre wide footway

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

35. Non Standard Condition - Travel Plan

The development shall be carried out in accordance with the Travel Plan submitted with the planning application.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

36. Non Standard Condition - Written Scheme of Archaeological Investigation

No works shall take place within any phase of the development until the implementation of a programme of archaeological work for that phase of the development has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development on the relevant phase, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment relevant to that phase has been completed in accordance with the programme set out in the Written

Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

37. Non Standard Condition - Foul Water Drainage Work

No works shall commence on any phase of the development containing residential properties until details of the foul drainage arrangements , including connection point and discharge rate, for those properties have been submitted to and approved in writing by the Local Planning Authority. The approved foul drainage details shall be installed prior to the occupation of the relevant property. Reason: To prevent environmental and amenity problems arising from flooding.

38. Non Standard Condition – Scheme of Improvements

No residential unit hereby granted shall be occupied unless and until a scheme of improvements to A12 junction 26 (the Eight Ash Green junction), similar in form to that shown in outline on Cannon Consulting Engineers Drawing number F/171 rev C dated 24th May 2017, including both the elements labelled ‘committed’ and those labelled ‘proposed’, have been commenced to the satisfaction of the Local Planning and Highway Authorities, in consultation with Highways England.

Reason: To ensure that the A12 junction 26, Eight Ash Green Roundabout, will continue to fulfill its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/13 ‘Planning and the Strategic Road Network’, and to satisfy the reasonable requirements for road safety.

39. Electric Charging Points

No works shall take place above ground floor slab level of any dwelling on the development until a scheme for the provision of external electric points suitable for electric vehicle charging has been submitted to the Local Planning Authority for approval and approved in writing. The scheme shall include details of the type of charging point to be provided, their location, a timeframe for their implementation, the arrangements by which residents of the development can access and use the charging points and details of their on-going management and maintenance. The development shall be implemented in accordance with the approved details.

Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

3. ZTC - 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'.

4. ZTG - Informative on Section 106 Agreements

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

5 ZTJ - *Informative on Land Contamination Advisory Note*

PLEASE NOTE that the site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Tiered risk assessment shall be carried out in accordance with the procedural guidance and UK policy relating to the contaminated land regime.

Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an "Appropriate Person". In

this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public, property and the environment are protected against noise, dust, odour and fumes.

The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of at an appropriately licensed landfill site.

The Local Planning Authority will provide a Validation Certificate mentioned in the conditions for completion by the applicant/developer. This certificate will not only provide confidence in the site for the local authority in terms of development control and the Part IIA regime but will help discharge conditions applied by the approved inspector and also provide confidence for solicitors and homebuyers in the conveyancing process.

6. ZTL - Informative on Air Quality for Outline Permissions

PLEASE NOTE: With regard to air quality assessment, a competent person is defined as 'someone who has demonstrable experience in complex air quality modelling, using current DEFRA approved software applications, with specific emphasis on urban and traffic-related situations'. Their assessment should take full account of the Local Air Quality Management Process including, where relevant, the presence of any Air Quality Management Areas.

7. ZTB - Informative on Any Application With a Site Notice

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

8. Non Standard Highway Informatives

In making this recommendation the Highway Authority has treated all planning application drawings relating to the outline element of the planning application as illustrative only

- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development

must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority

- 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
- 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)
- The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 – Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

9. Non Standard Informative on Archaeology:

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>

CBC Archaeologist will, on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a further trial-trenched archaeological evaluation will be required in advance of the granting of reserved matters (to ensure preservation in situ of any important archaeological remains defined by the evaluation). Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

It is recommended that the applicant undertakes the further trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

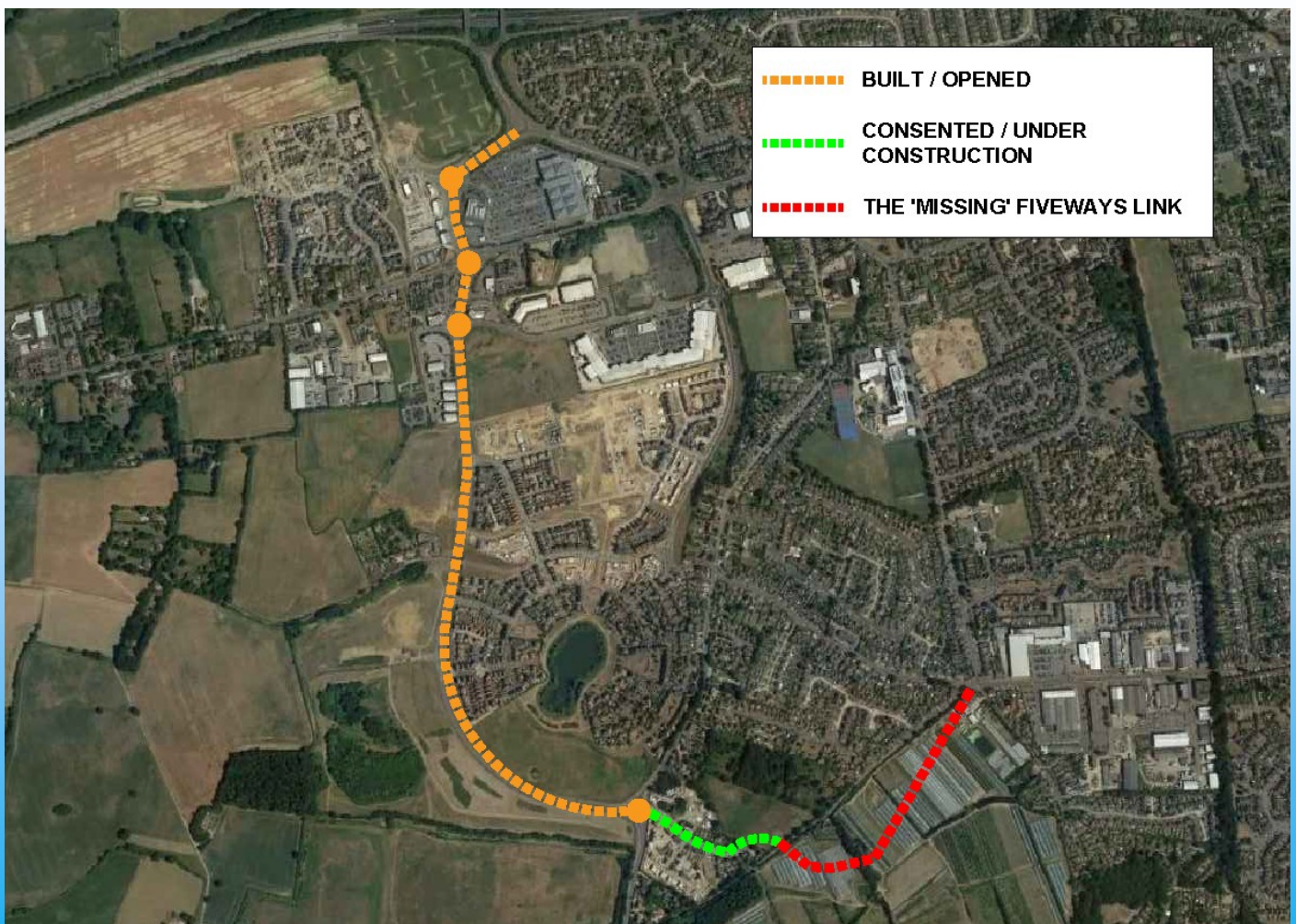
Fiveways Fruit Farm

Transportation Briefing Note and FAQs

Outline Planning permission is being sought under application reference 182220 for up to 420 residential units on the site known as Fiveways Fruit Farm, Stanway. This Briefing Note has been prepared to explain the transportation proposals for the site and to address common queries and opinions expressed in consultation responses to the application.

Background—Completing the Stanway Southern Access Road

- Fiveways Fruit Farm is one of the 'jigsaw' of sites allocated in the adopted Local Plan which together deliver the Stanway bypass (as set out in the adopted Stanway Brief);
- The first stage of the bypass is built and fully operational (shown yellow on the plan);
- Taylor Wimpey have constructed the next section (green on the plan), but this will not become fully operational until the last section (red on the plan) is delivered as a result of the development of Fiveways Fruit Farm;
- The Fiveways link will serve not just the new housing but will also serve existing residents and commercial traffic travelling to and from Peartree Road;
- The Fiveways link is the final 'missing' section of road to be completed, connecting the southern part of Stanway to Tollgate and the A12.



The wider context—highways

1. The A12/Eight Ash Green Junction

Stane Park Phase 2 is now the subject of a resolution to grant planning permission and will deliver improvements to the A12 junction (traffic signals on all approaches) that have been agreed with Highways England.

The same traffic model approved by Highways England has demonstrated that these junction improvements will accommodate the traffic from the Fiveways site as well.

The impact of the development on the A12 junction has therefore been assessed, and no additional junction improvements are necessary over and above what is approved.

Highways England have been consulted and raise no objection to the application, subject to the junction improvements.



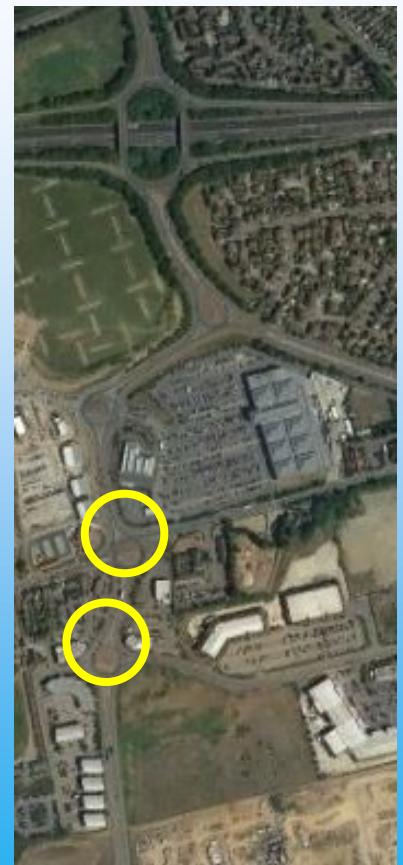
2. Highway Modelling - wider network considerations

The proposed new Fiveways roundabout junction has been modelled and will operate with spare capacity during peak hours (with all other committed development included).

The Tollgate roundabouts have been modelled (including measures proposed by Tollgate Village, and Stane Park Phase 2). Additional improvements are proposed at two junctions to ensure they operate satisfactorily with the additional Fiveways housing (as shown circled on the right).

The Maldon Road/Warren Lane junction has also been modelled. The Highway Authority are undertaking a feasibility study of the junction to assess a full range of improvement options. Although the impact of the Fiveways development is small, the applicant has offered a contribution towards implementing an improvement scheme.

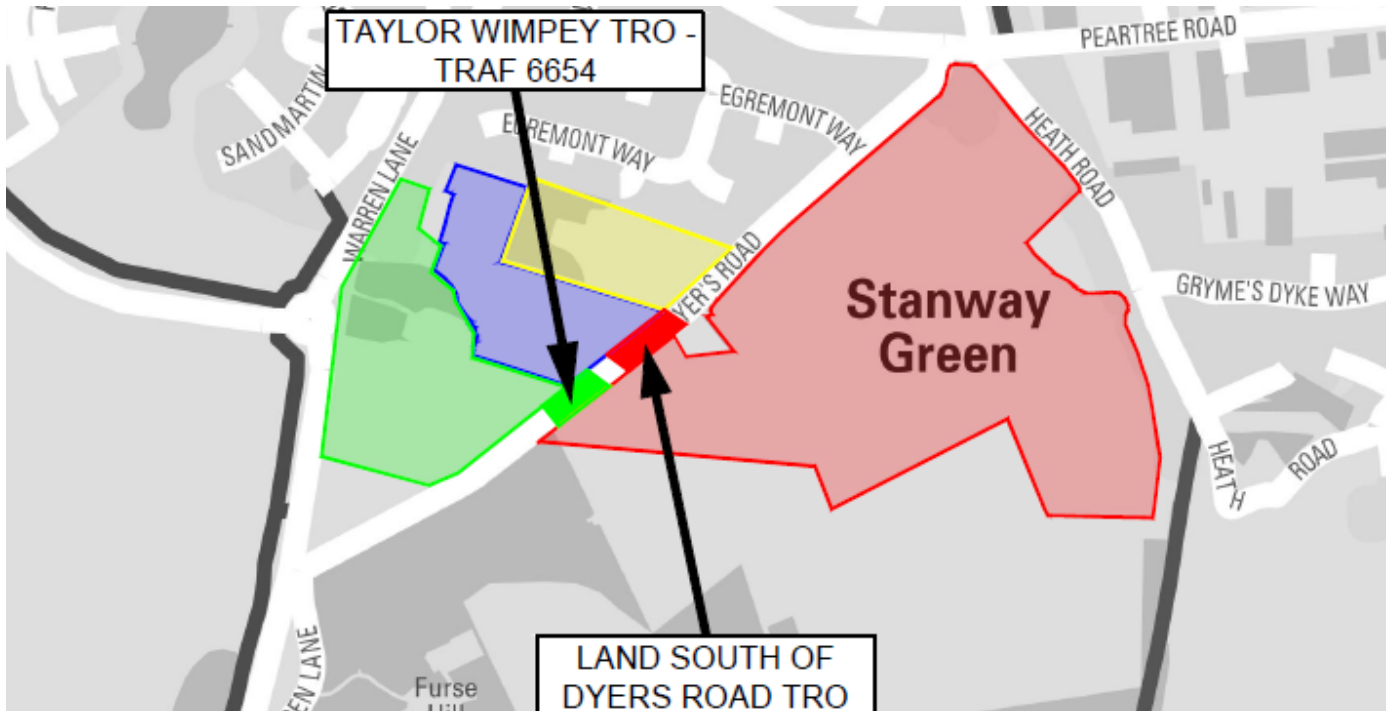
The Highway Authority raise no objection to the application subject to the measures described above.



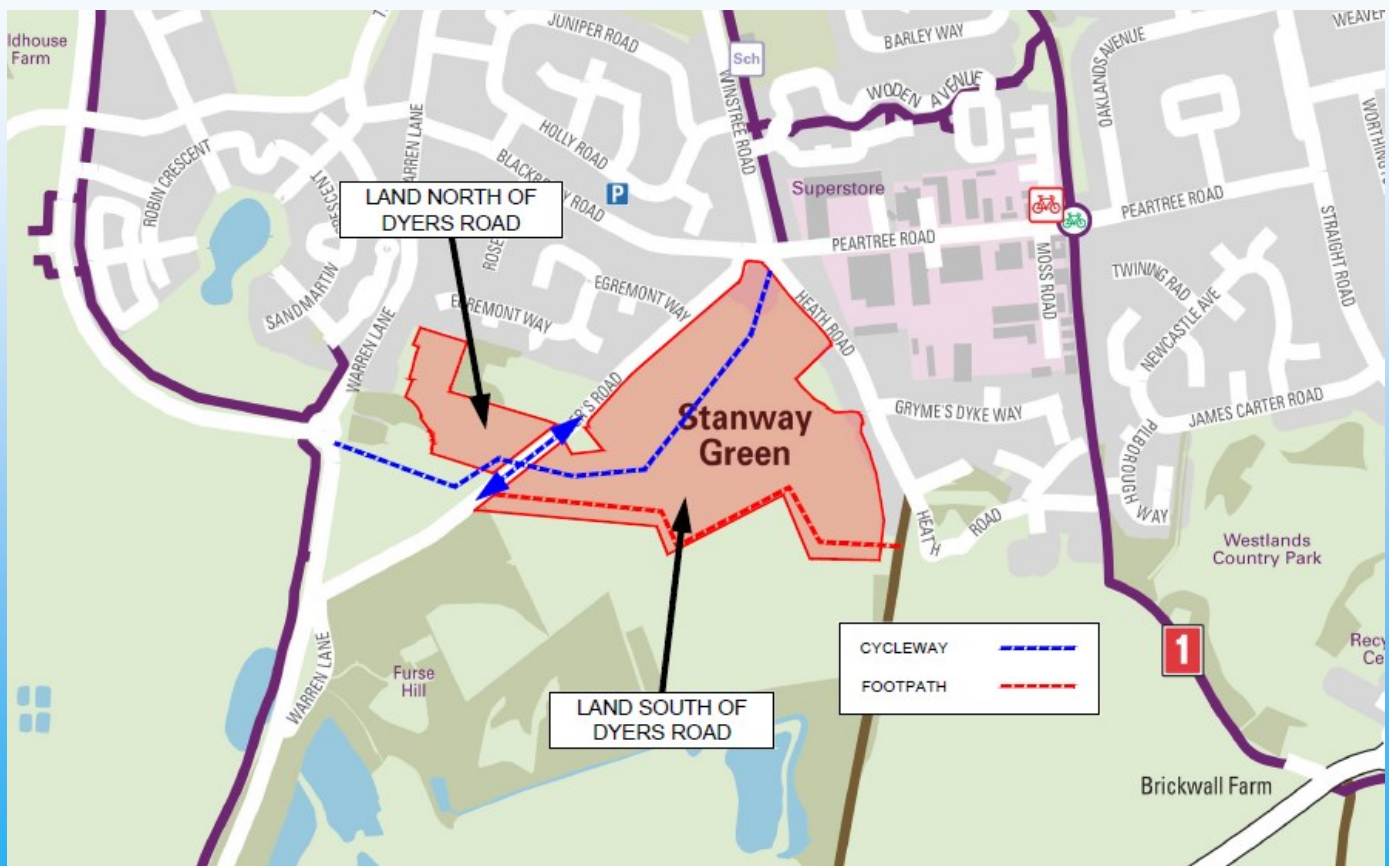
modelling, walking and cycling

3. Protecting Dyers Road

Two Traffic Regulation Orders (TRO) will be used to close sections of Dyers Road either side of the new access road. The first TRO for the southern end of Dyers Road is already approved. These TROs will ensure Dyers Road is accessible by residents only.



4. Strategic Walking and Cycling Connections



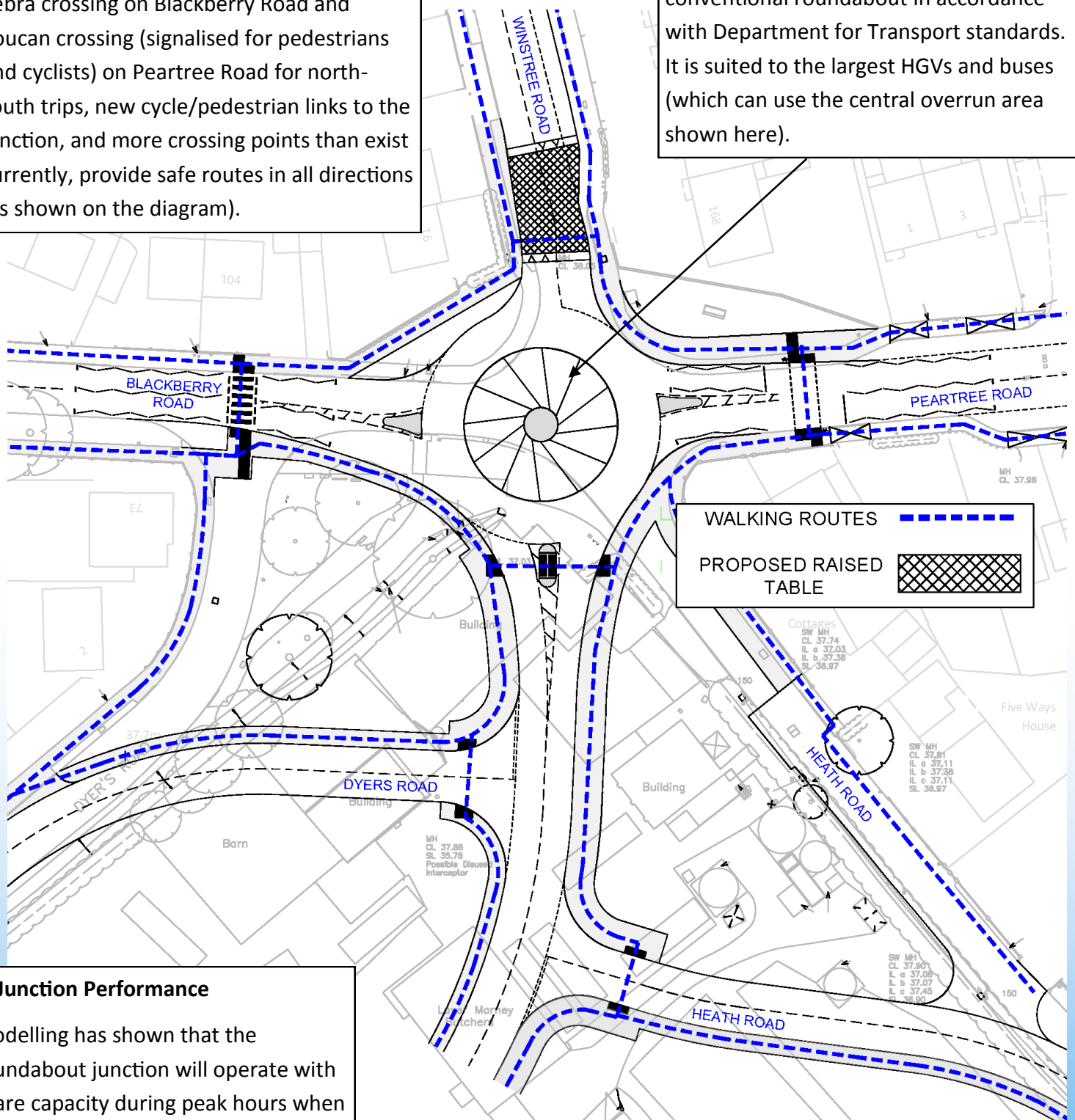
The Fiveways Junction Proposals

1. Walking and Cycling - Safe Routes

Zebra crossing on Blackberry Road and Toucan crossing (signalised for pedestrians and cyclists) on Peartree Road for north-south trips, new cycle/pedestrian links to the junction, and more crossing points than exist currently, provide safe routes in all directions (as shown on the diagram).

2. Junction Design Standards

The junction has been designed as a conventional roundabout in accordance with Department for Transport standards. It is suited to the largest HGVs and buses (which can use the central overrun area shown here).



3. Junction Performance

Modelling has shown that the roundabout junction will operate with spare capacity during peak hours when all committed and proposed development is included (see paragraphs 6.5 to 6.8 of the Transport Assessment).

4. Safety Audit

The junction has been designed to meet the required standards and has undergone a Stage 1 Safety Audit. The design will be subject to further Safety Audit processes as it progresses to Detailed Design and Construction.

Representation from Councillor Lesley Scott-Boutell

The Fiveways junction was a casualty reduction site which was investigated, and a report presented to the LHP in April 2014. I remember that they recommended four-way traffic lights and Essex County Council proposed that this would be upgraded when further development came forward.

I was therefore somewhat surprised and alarmed to see that the proposal submitted was for a $\frac{3}{4}$ size roundabout instead.

A resident who worked for Essex County Council Highways for 9 years and has spent 25 years in senior managerial positions with one of the country's largest road building contractors contacted me. He also has experience of design and construction of both the M25 and numerous projects on the A12. It would be fair to say that he has had years of experience on highway design.

He has explained, stating the following;

"I am very concerned about the current proposal for the traffic management at the Fiveways junction.

As a resident of Heath Rd, we currently experience great difficulty in getting out of Heath Rd and often depend on the goodwill of motorists travelling along Peartree and Blackberry Rd to let us out. If this junction is changed to a roundabout there will be no possibility of this goodwill allowing us out, as stopping on a roundabout is a sure-fire way of causing accidents.

The "give way to traffic from the right" rule applies to roundabouts and, with the uninterrupted traffic flows in both directions along Peartree and Blackberry Rd, there will be very little chance of ever getting out of either the new spine road or Winstree Rd.

In addition, residents of Heath Rd, Dyers Rd and the roads off these will firstly have to queue to get on the spine road (which will be congested) and then queue again to get across the roundabout, waiting for a gap in the traffic.

The current proposal appears to rely on pedestrians using either the toucan crossing in Peartree Rd or the zebra crossing in Blackberry Rd to interrupt the flows of traffic and facilitate egress from the spine road and Winstree Rd. This can only be described as both a futile and a dangerous concept. The existing zebra crossing is a known accident black spot. There are currently regular complaints about vehicles driving through while pedestrians are still crossing using the current zebra crossing in Blackberry Rd by the Fiveways Junction.

I'm concerned that if this proposal goes ahead there will be inevitable accidents as motorists lose patience with waiting to get out and cars jump the crossings.

It is well established that small roundabouts on four-way junctions do not work and result in accidents. The simple solution to this is to provide a four-way light-controlled junction with on demand pedestrian phases on Peartree Rd. and

Blackberry Rd. This would enable orderly egress from the side roads and afford greater safety for pedestrians.”

So, we’ve arrived at the following situation—
initially the Essex County Council Casualty Reduction scheme recommended 4 ways lights. Now, Essex County Council, as the Highway Authority, state that four-way lights have a poor safety record and have worked with the 3/4s size roundabout proposed.

The ECC Highways Authority were, oblivious of the ECC highways consultation, which is about to start in Winstree Road.

The results of the consultation **will** impact on the Fiveways junction as the road layout in Winstree Rd **will** be altered. This has not been taken into consideration.

On the other hand, we also have another experienced highway engineer who states, “It is well established that small roundabouts on four-way junctions do not work and result in accidents.”

I have been provided with two completely opposing views by experienced highway experts as to what is the safest and most efficient mode of traffic management at this notoriously dangerous junction. Whatever is installed here must be correct for the people that live here. We need clarification even if it means delay. The committee need to be 100% convinced that the roundabout solution is the right one. Residents too have taken their time to write in to voice their concerns about a roundabout at this location.

I also fail to understand why a zebra crossing which receives complaints and is known to be problematic remains in situ, as is.

This junction needs to be looked at again with greater evidence provided on both the four-way lights and the ¾ size roundabout options so that the committee can make an informed decision.

Whatever the final decision reached the recommendations to the committee under 18.1 must remain and as must the non-standard conditions relating to highway infrastructures to be in place before occupation, as I requested

And finally, I’d like to thank the planning officer, for incorporating many of my requests as conditions, for example 2.1 on boundary treatments.

I’m sorry that I am unable to join tonight while you debate this application which is of critical importance to Stanway residents and the highway network but will be instead listening via the audio recording.

36 Scythe Way
Colchester
CO3 4SJ

May 26 2019

The Planning Committee
Colchester Borough Council
33 Sheepen Road
Colchester
CO3 3WG

Ref: Planning Application No. 182220 – Fiveways Fruit Farm (Item 7.1, 30/5/2019)

Dear Committee Members,

Firstly my apologies for not attending this evening but I have a long standing overseas commitment this committee has unfortunately clashed with. It is typical that, having been under consideration for nearly a year, it comes on the one week I am away. Nonetheless there is probably little I could say in my 5 minutes I haven't already or couldn't commit to writing.

I recognise that you will be under pressure to approve this application as it forms part of the Local Plan (LDF) and has been recommended but I do still have areas of concern which I am sure the Committee will be able to clarify with the officers.

The bulk of my questions have been raised in my initial submission which is published under Section 10.2 of your Agenda Documents and I do not wish to bore you by repeating them but I would ask you do read them.

I am pleased that some of the comments by myself (and Cllr Scott-Boutell in Paragraph 10.3) have been taken onboard – particularly about pedestrian access around and on the proposed roundabout.

Many residents have suggested traffic lights at this junction, but I understand Highways feel this would compromise capacity and safety. As the "experts" I suppose we have to take them at their word, but they were also the "experts" on some of the many "bottlenecks" around Stanway which they also said were the best design at inception so you will forgive the slight cynical attitude and doubts from both myself and residents on this subject.

I would ask Committee Members to press on this subject and be sure you are confident they have examined this properly particularly regarding vehicle access from Heath Road as the residents there are very worried that should traffic “back up” onto the roundabout they will be blocked from exiting onto the Spine Road.

I also have great concerns over the rather vague statements made on the B1022/Warren Lane Junction. Paragraph 8.11 refers to this and states that a financial contribution is a condition imposed by the Highways authority. It is referred to again in Paragraphs 15.1 and 16.6 but in neither does it detail what this amount is to be, how it is to be paid and when. Is this a S106 agreement in which case why is it not listed? Improvements to this junction are vital. It is over capacity and an accident blackspot. It is also listed as being a required feature in the LDF.

Can Committee Members please clarify this and please ensure it is absolutely tied down as a requirement with an agreed amount and an agreed legal framework for obtaining it?

I would also re-iterate my comments about the traffic survey date used. This is out-of-date. In 2015/2016 the Council Tax “Band D” dwelling number for Stanway was 3059 dwellings. In February this year it was 3815. That is nearly a 25% increase!

How can be residents be confident that Highway improvements are being matched to development numbers when the figures used are out by 25%?

Since 2016 we have seen occupation of Wyvern Farm development, Lakelands 2 / Nightingale Gardens, Parva Place, Stane Park 2, Plover Rd, etc. – all very large developments. Anyone in Stanway will be able to tell you the traffic levels and patterns are not the same as in 2016.

I also note there is a NHS contribution of £152,352. GP Facilities in Stanway are already at over capacity with many struggling to register. I would ask Committee members clarify with the Officers exactly which GP Surgeries they expect the 800-1200 new residents to use?

Finally, whilst I appreciate you may have your hands somewhat “tied” on this issue and as a quasi-judicial Committee have to follow the law I am confident you will question hard on the, many, rather vague and unsatisfactory answers thus far given and, if you are not satisfied with the answers consider at least deferring this application until they can be provided.

Yours faithfully,

Cllr Paul Dundas
Stanway Ward.