

committee                      DEVELOPMENT & REGULATION

date                              26 September 2014

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**COUNTY COUNCIL DEVELOPMENT**

Proposal: **Construction of two storey two form entry Primary School and single storey Early Years Centre with associated hard and soft play space, vehicular accesses, parking and pick up/drop off areas, hard and soft landscaping, drainage, lighting and fencing.**

Location: **Land north of Apprentice Drive, New Braiswick Park, Colchester**

Ref: **CC/COL/34/14**

Applicant: **Essex County Council**

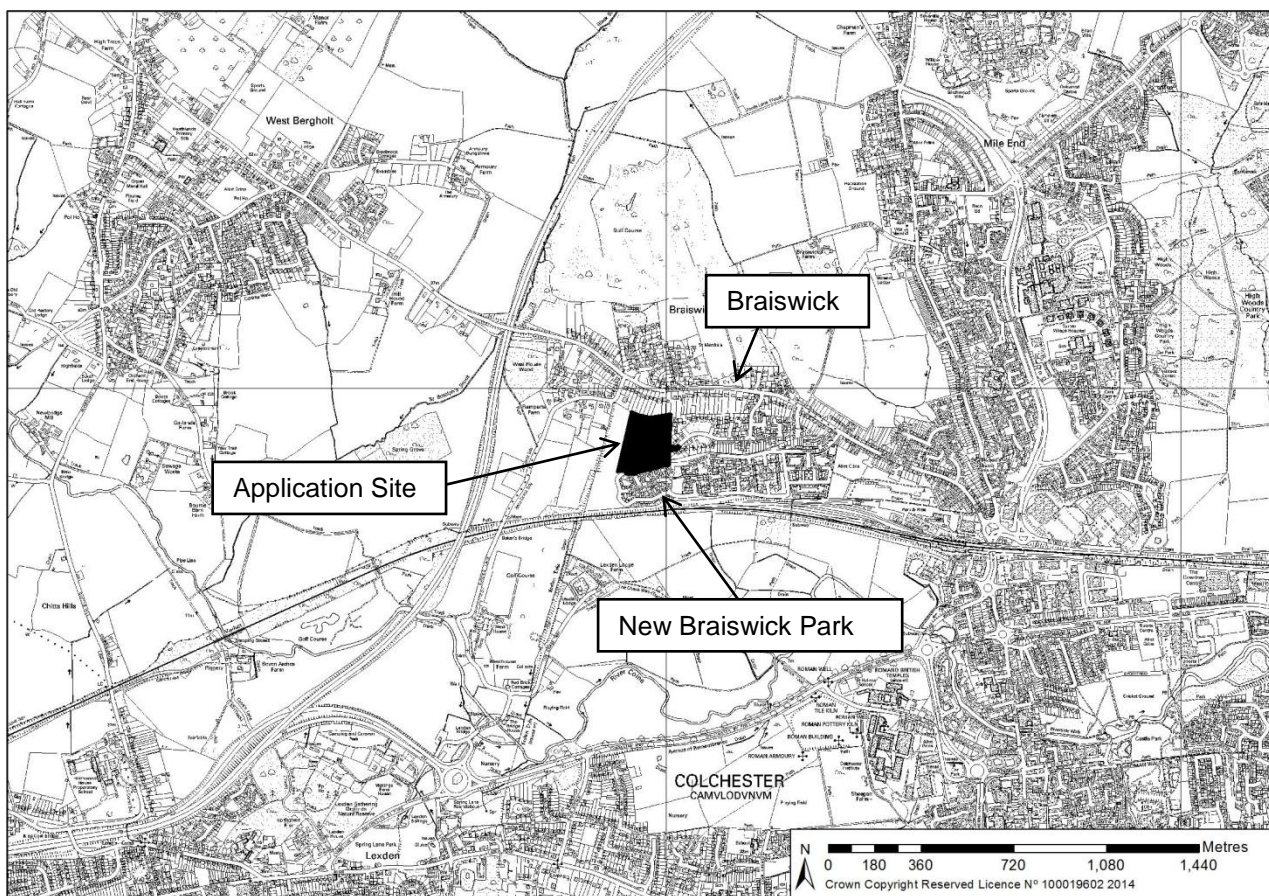
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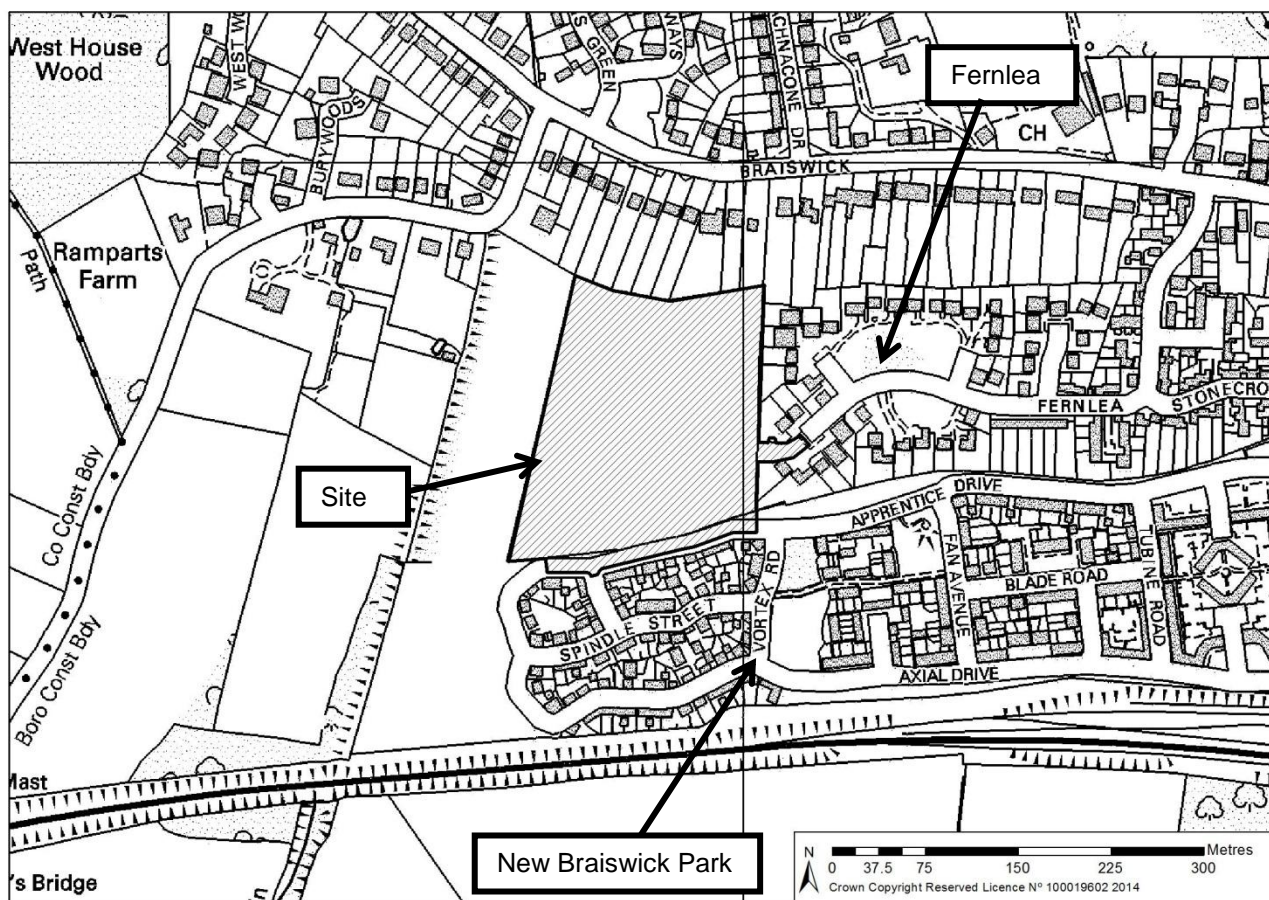
Report by Director of Operations, Environment and Economy

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The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)

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## **1. SITE**

The application site is approximately 3.82 hectares located to the north east of the main urban area of Colchester, north of Apprentice Drive within the New Braiswick Park (NBP) housing estate, which comprises over 700 properties and is adjacent to the established Fernlea and Braiswick residential areas. Access to the site is via Fernlea with Apprentice Drive being accessed via Tufnell Way/Bergholt Lane onto the B1508 (Bergholt Road).

To the north of the application site are existing residential properties which are located on Bergholt Road with their rear gardens adjoining the site boundary and to the west is open land, which lies adjacent to Bakers Lane. The application site is approximately 1.5 Kms from Colchester Station to the south east. A bus stop is located approximately 100 metres from the proposed application site boundary on Apprentice Drive. The majority of properties within proximity of the site are 2/3 storey, with some 5 and 6 storey apartment buildings located closer to Tufnell Way.

The site currently comprises rough grassland with trees and hedging. The trees are afforded protection by a blanket Tree Preservation Order (TPO) (ref: Number 02/11) issued by Colchester Borough Council.

Approximately 100 metres to the west of the application site running north/south is a Scheduled Monument comprising the rampart and ditch of Moat Farm Dyke. The monument includes the visible and buried remains of the northern part of the late Iron Age linear boundary earthwork (Lexden Dyke).

## **2. PROPOSAL**

The applicant is seeking planning permission for a two storey two form entry Primary School and single storey Early Years Centre with associated hard and soft play space, vehicular accesses, parking and pick up/drop off areas, hard and soft landscaping, drainage, lighting and fencing. The Primary School would accommodate a total of 420 key stage 1 and 2 pupils with the Early Years Centre accommodating 56 children.

The Primary School building would be of a pitched roof design stretching 75m across the east-west axis of the site being 23.1m in width (including overhangs). The height of the classroom block would reach 11.5m, while the hall block would rise a further metre (12.5m in total).

The Early Years Centre would again be of a pitched roof form to continue the design pattern of the adjacent Primary School building and would be 32.4m in length running east to west, 13.3m wide and 5.9m in height to ridge.

The application proposes a one-way road access system with the entry point being from Apprentice Drive and the exit through Fernlea. Two pedestrian access points would be provided off Apprentice Drive towards the south eastern and south western corners of the site. A shared pedestrian and cycle way would also be provided from the Fernlea access. Drop-off and pick-up provision would also be provided within the site with 45 spaces being provided for the Primary School and

Early Years centre. A separate 28 car parking space area for teaching staff would be located to the east of the school site bringing the total of onsite parking provision to 73 car parking spaces.

### 3. POLICIES

The following policies of the Colchester Focused Review of the Core Strategy and Development Policies, (CFR), Adopted July 2014, the Colchester Core Strategy, (CCS), Adopted 2008, the Colchester Development Policies, (CDP), Adopted 2010, and the Colchester Site Allocations (CSA), Adopted October 2010 provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>CFR</u>	<u>CCS</u>	<u>CDP</u>
Delivering Facilities and Infrastructure	SD2		
Community Facilities	SD3		
Design and Amenity	DP1		
Community Facilities	DP4		
Environment		ENV1	
Built Design and Character		UR2	
Historic Environment Assets			DP14
Accessibility and Access			DP17
Parking Standards			DP19
Nature Conservation and Protected Lanes			DP21

The National Planning Policy Framework (the Framework), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

Paragraph 214 of the Framework states that, for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. This 12 month allowance expired in March 2013.

It is considered that Colchester Borough Council's (CBC) Core Strategy (2008) and the Development Policies DPD (2010) fall within the meaning of paragraph 214. As a result of this Colchester's strategy for maintaining an up-to-date plan entailed a two-stage approach. The Focused Review, the first stage, formed the initial, limited, review of policies which could be readily amended without the need to prepare further extensive evidence in respect of those specific policies. Only those policies that clearly required updating due to non-compliance with the Frameworks paragraph 214 were included at that stage. The second stage will be a Full Review. The Full Review will be a completely new Local Plan and will include amendments to the spatial strategy; housing and employment targets; and site allocations, as these issues require the support of updated evidence base work. The Full Review is programmed for adoption in 2017.

The policies contained within this Focused Review document replace the previous versions of these policies, contained within the adopted Core Strategy (2008) and the Development Policies DPD (2010). All other policies remain unchanged, until they are replaced through the Full Review of the Local Plan.

It should be noted that the main change to the Focused Review document, brought about by the Schedule of Main Modifications, was the removal of all the employment and centres/retail policies from the Focused Review. The result of this is that these policies are not replaced by policies in the Focused Review. The existing employment and centres policies are unchanged, and remain as they exist in the Core Strategy and Development Policies DPD. The Council will continue to use its adopted Centres and Employment policies in the determination of planning applications.

The Local Plan Focused Review, incorporating the Inspector's Schedule of Main Modifications, was adopted by Full Council on 16 July 2014.

#### **4. CONSULTATIONS**

COLCHESTER BOROUGH COUNCIL – No objection subject to conditions.

Comment: The Borough Council in their first communication response dated 11 July 2014 (ref: 145086) raised no objection subject to, in summary, highway improvements/assessment of access options, landscape, trees and ecology, noise, community use and contamination.

Following the suggested conditions the applicant submitted amendments and a letter in relation to those points specifically addressing those raised by the Borough Council. Following this additional submission the Borough Council made a second consultation reply dated 3 September 2014 raising no objection to the principle of the application.

ENVIRONMENT AGENCY – No objection subject to conditions.

NATURAL ENGLAND – No objection.

ENGLISH HERITAGE – The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

ESSEX FIRE & RESCUE – Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.

ESSEX POLICE CRIME PREVENTION – No objection.

ESSEX WILDLIFE TRUST – No comments received.

HIGHWAY AUTHORITY – No objection subject to conditions and a financial contribution.

HIGHWAY AUTHORITY (Public Rights of Way) – No objection.

COUNTY COUNCIL'S NOISE CONSULTANT – Not recommended that planning permission be refused on noise grounds. However, potential adverse noise impacts predicted for residents in the vicinity of the school will have to be recognised.

PLACE SERVICES (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to conditions.

PLACE SERVICES (Trees) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to conditions.

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

PLACE SERVICES (Historic Environment) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

MYLAND COMMUNITY COUNCIL – Objects, in summary, for the following reasons;

1. Opposes this application on the planning grounds that proposed site is 3.6ha of 'white land' in the adopted CSA which should not have been made available for any development whatsoever;
2. Concerns regarding the application on educational planning grounds;
3. Objects to the application on highway planning grounds; notably the issues surrounding proposed vehicular access/egress to the site; the current vehicular proposals are unacceptable and unworkable, and;
4. Seeks reassurance from ECC/CBC that any spare land on this site would be retained exclusively for future educational or community uses.

BRAISWICK RESIDENTS ASSOCIATION – Objects, in summary, for the following reasons;

- Access/Exit to the school between No's 40 and 57 Fernlea is not suitable;
- Fernlea is not suitable as a Vehicular Access/Exit to the school and also a one way through route for residents of New Braiswick Park;
- Intrusion of Privacy and interference to the Quality of Air and Sound;
- Safety of staff, parents and children within the school site;
- Fernlea is not suitable as an access route for construction traffic;
- Land being offered on license at the rear of properties on the eastern and northern boundaries of the site;
- A new primary school in this area is not justified;
- The site is not suitable for the proposed new primary school;
- Protection of the Essex Design Guide;

- Contrary to policies DP1 of the CDP, DM15 of the Development Management Policy and National Planning Policy Framework, and;
- Misleading information/errors in the documentation provided in support of the planning application.

LOCAL MEMBER – COLCHESTER – Mile End and Highwoods – Any comments received will be reported.

ADJACENT LOCAL MEMBER – COLCHESTER – Abbey – Any comments received will be reported.

## 5. REPRESENTATIONS

424 properties were directly notified of the application. In total 135 letters of representation have been received. The comments raised by representees from each consultation exercise are summarised in Appendices 1 (first consultation) and 2 (second consultation). In brief the main issues of concern relate to:

- the need for the development;
- the location of the development;
- landscape, design and tree impact;
- visual impact;
- traffic impact and appropriateness of access;
- noise impact, and;
- the soundness of pre-planning consultation/screening opinion.

## 6. APPRAISAL

The key issues for consideration are:

- A. National Policy Considerations and Consultation Procedure
- B. Need
- C. Principle of Location
- D. Highways Impact and access arrangements
- E. Landscape, Design and Arboricultural Issues
- F. Ecology
- G. Heritage
- H. Impact upon amenity
- I. Human Rights

### A NATIONAL POLICY CONSIDERATIONS AND CONSULTATION PROCEDURE

The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 7 of the Framework states that ‘these dimensions give rise to the need for the planning system to perform a number of roles:

– *an economic role* – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right



places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- *a social role* – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being, and;

- *an environmental role* – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

Paragraph 11 of the Framework states that "Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise"<sup>1</sup>.

Paragraph 12 goes on to states that 'This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place'.

As noted within section 3 of this report CBC adopted its Local Plan Focused Review on 16 July 2014. Only those policies that could be readily amended to be consistent with the provisions of the Framework that clearly required updating due to non-compliance with the Framework's paragraph 214 were included within the focused review (see paragraph 3 of section 3 of this report). The report will further consider the proposed development against the CFR, CCS, CDP and CSA and other material considerations.

### Public Consultation.

Letters of representation received have raised concerns, in summary, regarding the lack of quality pre-planning consultation; the fact that the final consultation only gave residents 14 days to formal respond to the final public consultation prior to the applicant submitting their application and that the applicant did not correctly notify residents of the first public consultation on the 25th November 2013; that properties adjacent to the site were not notified of the pre-planning consultation and there were significant changes in design layout from 9th January consultation showing access solely from Apprentice Drive to the 27th March consultation showing access from both Apprentice Drive and Fernlea.

Paragraph 189 of the Framework stresses that although developers are not obliged to consult the planning authority before submitting an application, the

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011)

planning authority should pro-actively encourage take-up of pre-application assistance.

Furthermore, section 122 of The Localism Act 2011, places a requirement on developers to involve the local community in meaningful pre-application consultation (as discussed with the local planning authority), and to demonstrate how they have taken account of the responses to that consultation in the submitted application. It should be noted however, that this section has to date not been implemented.

Essex County Council's adopted Statement of Community Involvement First Review (December 2012) (SCI) states that 'Early engagement at the pre-application stage has benefits for all parties involved: for the developer, there will be significant savings in time and money if an application can be processed swiftly; there will be improved outcomes for local communities if their concerns can be taken into account before an application is formally submitted; the planning authority will be able to issue timely decisions if all necessary information is provided at the time of application'.

The SCI goes on to state that 'Depending on the level of the proposed application and in accordance with any advice received from the local planning authority, these must include publicity appropriate to the scale of the application and its likely local impact. This Public Involvement Programme may be in the media, by posters and flyers, by public exhibitions and meetings or by direct contact, or any other appropriate methods discussed with planning officers, which will achieve the requirement to bring the proposal to the attention of the majority of those homes and businesses in the vicinity of the proposal (see Table 8). Any consultation material on the proposed application must include details of how individuals should respond and by when.'

Table 8 of ECC's SCI states that 'Applicants are encouraged (or obliged in some circumstances) to carry out a Public Involvement Programme (PiP) by using some or all of the techniques below (in consultation with the planning officer) depending on the size or impact of the application:

- Publishing information on their own websites from the pre-application stage onwards, and providing other easily-accessible information eg CDs using media to raise awareness from pre-application stage onwards;
- Utilising leaflets, flyers etc. as part of their public involvement programme, tapping into the parish newsletter network if appropriate;
- Setting up public exhibitions/displays etc, particularly for major or potentially controversial sites, and;
- Setting up local public meetings to address high levels of concern at an early stage'.

During pre-application discussions the County Planning Authority (CPA) advised the applicant that, due to the proposals size and potential impact, it would be appropriate that a PiP was undertaken prior to formal submission of the application. In response to the CPA's advice, the applicants undertook a PiP which forms part of the application submission. The applicant sets out the pre-

application consultation processes undertaken and the Public Involvement Programme (PiP) undertaken.

The applicants note within their Statement of Community Involvement that proposals for the primary school and early years centre were subject to pre-application discussions with the County Planning Authority, Highway Authority, County and CBC Design Officers, Colchester Borough Council, Councillors, Myland Community Council and Braiswick Residents Association, including with wider community residents.

In addition the applicant's PiP set out the following aims;

- Consult with statutory/non-statutory bodies including the Environment Agency, Natural England, Highways, LEP, Parish and Community Councils, Education, County Planning Authority and Colchester Borough Council;
- Engage with the local community at two exhibition events;
- Publish information about the emerging scheme on its website and other community websites;
- Use media awareness i.e. Heart radio interviews;
- Use leaflets/ letters and Parish websites; and
- Post application submission to assist ECC, provide full access to all submission documents in line with the County's SCI, publication of the submission in the local press, by site notices and through local websites and ECC web pages.

Using the techniques identified above the applicant held two key consultation events with the first in January 2014 and the second in March 2014. Concerns have been raised that the application was submitted shortly after conclusion of the second consultation period (closure on the 10<sup>th</sup> April 2014) and therefore, the applicant was unable to properly consider the views of the residents which cannot have been fed into the scheme prior to its formal submission.

The application forms submitted with the application were dated 23<sup>rd</sup> May 2014 and the applicant formally submitted the application to the County Planning Authority on the 5<sup>th</sup> June 2014. The applicant's Statement of Community Involvement sets out the consultation responses received during two key consultation events and how these comments resulted in amendments/changes to the scheme.

It is considered that although applicants are not currently obliged to undertake pre-application consultation with key stakeholders, the applicant has undertaken pre-application consultations with the County Council and statutory consultees and, through their PiP, has undertaken two consultation events (January 2014 and March 2014) in accordance ECC's SCI adopted December 2012. The applicant has also taken additional steps in accordance with their PiP.

## B NEED

Paragraph 72 of the Framework states inter alia that '*The Government attaches*

*great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.....they should give great weight to the need to create, expand or alter schools’.*

Letters of representation received have raised concerns to the County Planning Authority that, in summary, other schools within Colchester could be used or expanded to take up pupil increase; that forecast pupil increase is only due to neighbouring Chesterwell and Severall developments; that the main catchment area for the school comprises approximately 381 eligible primary school children within 800 metres of the site; Fernlea residents no longer have children which require a primary school, only 16 pupils will attend from Fernlea area; forecast pupil growth is unfounded.

In November 2013, the County Council as Education Authority published a document entitled ‘*Primary School Places in Colchester*’ which presented the evidenced education need and the school capacity issues within Colchester and its primary schools, including those that are oversubscribed and with no or limited capacity for expansion.

The applicant has stated within their submitted Planning Statement that the identified shortfall of primary school places is established by monitoring birth rates, new housing developments and patterns of parental preference across groups of schools. This information is used to forecast pupil numbers and to ensure there are sufficient school places across the county. It was this information that confirms a deficit of places over the next 4 years across Colchester, based on data provided by the Health Authorities in Essex in January 2013, showing the number of children living in the areas registered with a GP. The deficit currently stands at 138 places in 2014/15, rising to 215 places by 2017/18.

The applicant considers that there is a demonstrable need for additional school places in north Colchester.

The applicant has stated that existing schools nearest to the catchment area of Braiswick and New Braiswick Park have already been expanded where it has been possible to do so. Five schools were expanded to provide 57 additional reception places each year from September 2012 which are as follows;

<b>School</b>	<b>Previous Reception admission number</b>	<b>Current Reception admission number</b>
North Primary and Nursery	45	60
Queen Boudica Primary	45	60
Boxted St Peter’s CE (VC) Primary	18	30
Heathlands CE (VC) Primary	50	60
Bishop William Ward CE (VA) Primary	25	30

The applicant has gone on to state that 30 additional places have also been provided for Reception admission in September 2014 only at St John's Primary, with the provision of a relocatable class base. The applicant is also considering providing a relocatable classbase at Myland Primary to increase the number of places available in Year 1 by 70 bring total capacity to 340. This is needed because of increased pressure on the schools because of movement into the area. Lengthy discussions have been held with Myland about increasing it in size permanently but this has been ruled out in terms of the difficulty of the site.

The applicant has stated that the proposal would have a priority admission (catchment) area which would be relatively small, covering New Braiswick Park, Fernlea and Bergholt Road up to the A12. Even with this small catchment area, the number of pre-school children in this area is rising and expected to continue to rise as follows;

Year of entry to school		2014/15	2015/16	2016/17	2017/18
Number of Pre-school Children in the area covered by the priority admission area for the new Braiswick School		46	58	62	74

The applicant purchased the site to provide school accommodation that would enable the local need for the primary school provision in north Colchester to be met.

In March 2013, the Government announced the Targeted Basic Need (TBN) programme, which gave an opportunity for local authorities to bid for additional funding to increase school provision in areas of greatest need. The TBN funding outcomes were announced by the DfE on 18 July 2013, which required successful authorities to invite sponsors for new academy/free school provision by 2 August 2013. Within the planning statement it is noted that ECC undertook consultation with local headteachers regarding primary school needs and the Braiswick site potential. On 29 July 2013 the Cabinet Member for Education and Lifelong Learning approved the publication of a specification inviting proposals to establish a new school on the Braiswick site.

In conclusion, the proposed development would result in the provision of school places, in addition to Early Year's education provision within an area where there is an existing and increasing deficiency in primary school places whereby existing schooling accommodation has been fully expanded to meet the urgent and anticipated increase in pupil place demand. The Framework highlights that great weight should be given to the need to create schools and meet school provision in areas of school accommodation needs. The Planning Statement within the application evidences an increasing need and the proposal would address this need.

### Community Use

The proposal has the potential to form a key asset to the surrounding residential



areas and the community to which it is located. Colchester Borough Council has sought that community uses be secured via a legal agreement. It should also be noted that residents have raised concerns regarding the school site being used out of hours and weekends.

In light of the above the applicants stated in response to Colchester Borough Council's request the following *'The school is capable of use to the wider local community by arrangement and agreement with the Academy, however, given the representations from the Fernlea residents, it is clear that they are concerned about the impact that extended use of the school will have on their amenity from noise, light and traffic. Any future consideration of community use by the Academy should therefore arise from further consultation with the residents of the local community.'*

*Flexibility of use has been a part of design development and it would be possible to use parts of the school independently of others with access clear and easily managed. The Academy has community use of other schools it manages and will consider what would be appropriate for the proposed school having regard to its impacts on the school and neighbourhood. However, a S106 Agreement would not be lawful for this application, as the County Council cannot enter into a legal agreement with itself.*

*In addition, the impact of social and community use on the neighbouring residents' amenity that may arise from outside school hours use of the premises, has not been assessed as part of this application. This need to balance school, community use and impacts on local residents was raised in the Borough Council's comments concerning amenities and hours of use'.*

Colchester Borough Council responded to the above in its letter of the 3 September 2014 and raised no objection. Therefore, it is considered appropriate that should planning permission be granted an informative be included requiring the applicant to actively engage with the community in relation to assess what level of community use is sought.

Although it is considered that a need exists with regard to providing accommodation for increased pupil numbers within this area of Colchester, consideration of the proposal's location and subsequent environmental/social impacts are considered further within this report.

## C PRINCIPLE OF LOCATION

As noted above the Framework, inter alia, states that the Government attaches great importance to ensuring sufficient choice for school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement.

CFR Policy SD2 states, inter alia, that 'The Borough Council will work with partners to ensure that facilities and infrastructure are provided to support sustainable communities in Colchester. New facilities and infrastructure must be

located and designed so that they are accessible and compatible with the character and needs of the local community’.

CFR Policy SD3 states, inter alia, that ‘Community facilities should be located in centres or other accessible locations to maximise community access and build a sense of local community identity.....encourages multi-purpose community facilities that can provide a range of services and facilities to the community at one accessible location’.

The application site falls outside the development boundary, as identified within the CSA Proposals Map. However, the site is located adjacent to the defined settlement boundaries and surrounded by housing developments to the north, east and south with open fields to the west of the site.

Letters of representation received have raised concerns in relation to the location of the school which are, in summary, as follows; the area, prior to New Braiswick Park (NBP), was served by other local Primary Schools; location and access of the school overtly impacts residents within Fernlea; not allocated site within the CSA; cumulative development with respect to the creation of NBP; the failure to expand on existing school places within Chesterwell Development approved in LDF; Chesterwell and Severalls master plans include schools which could provide spaces and site designated as White Land within Colchester Local Plan.

Given the site’s location being outside the defined development boundary of the CSA, it is important to consider whether or not any alternative sites exist which would be better suited for the proposal.

#### Alternative locations

As noted within Section A of this report, the nearest primary schools to the catchment area of Braiswick and New Braiswick Park are Queen Boudica, North Primary and Myland Primary schools. The applicant has stated that none of these schools have sufficient land or buildings to accommodate primary school needs and none are within walking distance of the Braiswick and New Braiswick Park catchment (800 metres as defined by the applicant’s Transport Assessment). These schools have now reached their maximum site capacity.

The applicant has also confirmed that it plans to open a school on the Severalls site in September 2016. This would be in addition to the current scheme. The school sites which have been reserved on the Chesterwell site are allocated when the housing development within that scheme is implemented. It is the applicant’s view that all of these sites would be needed to cater for the increased number of primary school children in north Colchester and would cater for those developments over the next few years.

The Framework makes it clear that LPAs must give great weight to the need to create schools and meet the school provision needs of existing and new communities. CBC policies are also supportive and the CBC officer committee report dated 10<sup>th</sup> July 2014, in relation to the proposed adoption of the Local Plan Review states, inter alia, that *‘The Spatial Policy Team has advised that given that*

*the adopted Colchester planning policies (and evidence base) do not prevent the development of suitably located development on the edge of Colchester, it is considered that the principle of the development of a primary school and early years centre in this location is acceptable and represents sustainable development’.*

It is considered that the proposal would ensure that an education facility and its infrastructure would be in place thus supporting sustainable communities in Colchester, specifically the adjacent Braiswick and New Braiswick Park residential areas in accordance with CFR policies SD2 and SD3.

In relation to assessing alternatives for the proposal’s location, as explained earlier in this report, the applicant has expanded all nearest schools within close proximity to the Braiswick and New Braiswick Park catchment areas; future schooling accommodation on the Chesterwell and Severalls site would be used to fulfil the primary school pupil needs of those developments; and the proposal would be located to meet an identified need for school places within the catchment area it serves (Braiswick and New Braiswick Park); the proposed location is in accordance with the requirements of the Framework and CFR policies SD2, SD3 and DP4.

In light of the above, it is also considered that there would be an economic benefit from the proposal through the construction phase of the development as this would provide investment in the form of schooling accommodation which is needed within this area of north Colchester. However, environmental and social impacts are considered further within this report.

## D HIGHWAYS IMPACT

Paragraph 32 of the Framework, inter alia, states that ‘all developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment.... decisions should take account of whether safe and suitable access to the site can be achieved for all people’. Paragraph 34 states, inter alia, that ‘developments should be located and designed where practical to..... give priority to pedestrian and cycle movements, and have access to high quality public transport facilities and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones’.

The Framework recognises that a key tool to facilitate this will be a Travel Plan and that developments which generate significant amounts of movement should be required to provide a Travel Plan.

Paragraph 39 goes on to state that ‘Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities’.

CDP policy DP17 (Accessibility and Access) requires access to developments to be created in a manner which maintains the right and safe passage of all highway users. Development will only be allowed where there is physical and

environmental capacity to accommodate the type and amount of traffic generated in a safe manner. The access and any traffic generated shall not unreasonably harm the surroundings, including the amenity of neighbouring properties

In summary, representations received have raised strong concerns regarding the adverse impact the proposal would have upon the highway network; the safety capacity of the access onto Fernlea (an existing 'cul-de-sac') is not in accordance with policy documents (Essex Design Guide, Manual for Streets etc); the proposed construction method is incorrect and not possible to complete and that there are better scenarios for the access to the site which have been discounted on false information. In addition, a local resident's action group (FRAG) commissioned an independent Transport Assessment (TA) to assess the TA submitted by the applicant and the scenario chosen.

As noted within the site description of this report the application site is currently accessed off Fernlea which leads onto Bergholt Road (B1508). To the south of the site is Apprentice Drive which connects to Bergholt Road, via Tufnell Way.

### Access

The application proposes a one-way access system with vehicles entering from Apprentice Drive and leaving one point of exit through Fernlea. The Apprentice Drive access would be in the form of a T-junction, with footways provided along its access once within the site. Two pedestrian footpaths are proposed off Apprentice Drive. The exit of vehicles would be via Fernlea with the proposal seeking to tie the road into the existing carriageway at the turning head, currently located at the western end of Fernlea. A shared pedestrian and cycle footway would be provided from the Fernlea access along the northern side link to the wider footpath network within the school site.

The applicant, as part of their submission, provided a Traffic Assessment (TA) however, following consideration of the application by the Highway Authority (HA), a number of questions and clarification points was raised before the HA formally considered the merits of the TA and access strategy. In light of this the applicant submitted a revised TA (August 2014) to address the questions.

In relation to vehicular access to the site, the revised TA considered various options. These include the following scenarios:

Scenario 1 – Access and Exit from Apprentice Drive

Scenario 2 – Access and Exit from Fernlea

Scenario 3 - Access from Apprentice Drive, Exit via Fernlea

Scenario 4 - Access from Fernlea, Exit via Apprentice Drive

In addressing the scenarios the TA stated that *'if access Scenario 1 were to be implemented it is likely that some parents wishing to drive to school for dropping-off or picking-up would drive into Fernlea and park on-street before utilising the pedestrian access. This would be particularly attractive to residents to the west of Fernlea on Braiswick (B1508) and side roads. This would enable these parents to avoid any congestion caused on Apprentice Drive. It is also known that Apprentice*

*Drive is restricted to only 4.8m wide in areas, with little realistic opportunity for widening. It is considered that, with the existing residents on-street parking, Apprentice Drive could become a bottleneck in relation to two-way school traffic flows'.*

In relation to Scenario 2 and 3 the TA goes on to state that '*if this were to be implemented a similar parent parking problem is likely from those parents living to the east of Tufnell Way on Bergholt Road (B1508), with parking on the New Braiswick Estate.*

*Scenario 3 would offer more of a balance of traffic flows and would alleviate the potential for either Fernlea or Apprentice Drive to suffer from congestion due to two-way flows as prescribed by Scenarios 1 and 2. A small number of parents may still drive into Fernlea and park up, thereby avoiding Apprentice Drive. This number is expected to be small, with adequate drop-off provision formally provided within the site, and will certainly be less intrusive than Scenarios 1 and 2. On-street parent parking is also considered to be less of an issue with this scenario, as the lack of congestion on Apprentice Drive would not lead to other pick-up and drop-off options needing to be considered.*

*Scenario 4 is essentially the same as Scenario 3 and would have the same benefits. As with Scenario 3, there would be expected to be a small number of parents parking at the end of Apprentice Drive and not within the one-way site operation. Again, it is believed that this number will be small, and less intrusive than Scenarios 1 and 2. A judgement is therefore needed on whether Scenario 3 or Scenario 4 has the greatest benefits.*

*Whilst the Fernlea / Braiswick and Tufnell Way / Bergholt junctions have ample capacity to cope with the small uplift in traffic, the Fernlea junction has slightly better visibility. The visibility splay in both directions from Fernlea complies with design standards in the Design Manual for Roads and Bridges (DMRB). The visibility to the right from Tufnell Way also complies with the design standards in the DMRB, whereas that to the left is restricted to the lesser Manual for Streets Standard.*

*It is therefore concluded that Scenario 3 (access from Apprentice Drive and exit via Fernlea) is the best option. It will form a sustainable development in accessibility terms, accommodate safely those trips that must be undertaken by car, reduce the possible on-street parking and alleviate localised congestion at the site access'.*

As noted above, the TA assesses a number of alternative access arrangements and on balance, concludes that Scenario 3 (access from Apprentice Drive and exit via Fernlea) would provide the safest and most sustainable access strategy.

Essex Fire and Rescue in its consultation response confirms that access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. It goes on to note that, although the access roads within the development do not meet the minimum required standard, it would accept a road width of 3.6m (as proposed by the applicant) as it would be a one way system,



with double yellow lines on both sides of the road. From the plans provided, it would appear Fire Service Vehicles would have access to 15% of the school buildings/building perimeter for firefighting purposes. More detailed observations on access and facilities for the Fire Service would be considered by CBC at Building Regulation consultation stage.

As noted above, concerns have been raised that the construction method for the Fernlea access is not appropriate, deliverable or in accordance with national or local policy. The Highway Authority comments *'Further to the Transport Assessment submitted with the planning application, Waterman's two response documents received 27th June and 23rd July (responding to my comments dated 17th June and 16th July 2014), I am now content that they have robustly assessed the possible impact of the proposal on the surrounding highway network.*

*Also, in my opinion the proposed 'one-way' layout represents the most logical layout in terms of maximising the efficient use of the network, particularly at the Tufnell Way and Fernlea junctions with the B1508 Bergholt Road, but also for drop off and pick up for those using the parallel bays because pupils would be alighting and embarking on the vehicle nearside'.*

In addition, the Highway Authority has requested that a contribution is sought to cover the cost of providing additional waiting restrictions on the New Braiswick Park development, Tufnell Way, Fernlea and any of the roads leading off Fernlea be provided. The applicant has agreed to the contribution requested by the Highway Authority therefore, should planning permission be granted, it is considered appropriate for the applicant and the Highway Authority to enter into a memorandum of understanding to secure the contribution.

To ensure that the proposal site does not become a "rat run" for vehicles wanting easy access onto the B1058 (Bergholt Road), the route through the school would operate a one-way system with the entrance on Apprentice Drive and exit on Fernlea being gated. The gates would be in operation at all times and would be open at the start and end of the school day, with the gates shutting during all other times except for deliveries and visitors who would need to contact the school reception in order to gain entry, via an intercom system. It should be noted that emergency services would have access to the keypad number for the school gates allowing ease of access if called to the site. There would be no general public access through the site.

The Planning Statement notes that the proposed access strategy (scenario 3 above) would result in a material change to the existing cul-de-sac character of Fernlea as vehicles would exit the site between 40 and 57 Fernlea. It is important to note that although there would be an impact, the site does have an existing informal access point between 40 and 57 Fernlea and that the one-way system would, in essence, seek to spread the impact between Apprentice Drive and Fernlea. In light of this the TA and Highway Authority (in not raising an objection and considering scenario 3 the safest and most sustainable access option) consider that the highway network can accommodate the vehicular movements associated with the proposal. Both the Fernlea/B1508 Braiswick junction and

Tufnell Way/B1508 Braiswick junction currently operate within capacity and that the additional school traffic would not have a detrimental effect on their operation.

A draft School Travel Plan was submitted with the application, which the school user would adopt and use to work with parents and staff to encourage sustainable transport options to the school. The Highway Authority has not objected to the School Travel Plan however, exceptionally<sup>2</sup> it is considered appropriate that, should planning permission be granted, a condition be attached requiring submission of an updated agreed Travel Plan prior to beneficial occupation of the school and that it shall be adhered to and its success monitored thereafter. The Plan would specifically require the monitoring of cycle parking, as discussed later in the report.

It is noted that residents raised strong concerns during the public consultation exercise undertaken by the applicant prior to formal submission of the application and objections have been raised in representation letters as noted in Appendix 1 and 2.

The Highway Authority is responsible for providing advice to the County Planning Authority on matters relating to highway capacity and safety. On the basis of the information provided within the application; that the applicant has assessed various scenarios for access arrangements and on balance selected the most sustainable option of the 4 scenarios; the fact that the proposal would use an existing access (Fernlea) which connects to Bergholt Road; and that the Highway Authority has raised no objection to the proposal on safety and capacity grounds, it is considered that the impact would be minimised by the adoption of scenario 3 and associated highway contribution, gating system and Travel Plan. As such it is considered that the proposal complies with the requirements of the Framework as an acceptable TA and Travel Plan have been submitted with the application and the proposal has been designed to allow a safe and suitable access which would also provide for pedestrian and cycle movements and in compliance with CDP policy DP17 as there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner.

#### Car and Cycle Parking

CDP Policy DP19 (Parking Standards) states, inter alia, *'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. The SPD sets design standards and provision levels for a comprehensive range of uses and transport modes. The level of parking provision required will depend on the location, type and intensity of use .....Cycle parking will be required for all developments'*.

The Highway Authority Vehicle Parking Standards (adopted September 2009) requires that 1 space per 15 pupils is provided. 28 car parking spaces are

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<sup>2</sup> Normally planning informatives, not conditions, would be imposed requesting an updated School Travel Plan as they are primarily a travel management arrangement between the school and parents and other parties using the school.

proposed on site for staff parking, together with four disabled bays and 41 drop-off/pick-up parking bays which is in accordance with the Parking Standards. The proposed level of cycle parking (30 spaces) is below that required by the Parking Standards however, the Highway Authority and the Sustainable Travel Planning Team have not objected to the level of cycle parking to be provided. Furthermore, the Travel Plan highlights that cycle parking spaces are to be monitored, and should it be identified that they are oversubscribed, the numbers would be increased.

It is considered that the level of parking to be provided is in accordance with the CDP Policy DP19 and the Vehicle Parking Standards. Although the reduction in cycle provision is a departure from the Parking Standards the Highway Authority has not objected. In addition, the applicant would monitor the provision and if necessary provide additional cycle parking facilities when required. It is considered appropriate that, should planning permission be granted, the number of cycle parking spaces should be monitored through the school Travel Plan.

It is important to note that CDP Policy DP17 highlights the importance of access and any traffic generated from a proposal to not unreasonably harm the surroundings, including the amenity of neighbouring properties. Therefore, although the proposed access arrangements are considered acceptable in terms of safety and capacity, it is important to assess the impact of the access on amenity grounds (noise, dust etc). This is further explored in the following sections.

## **E LANDSCAPE, DESIGN AND ARBORICULTURAL ISSUES**

Paragraph 56 of the Framework states that 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. Paragraph 61 goes on to state that 'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'.

The Framework highlights that when determining applications planning authorities should place great weight on outstanding or innovative designs which help raise the standard of design more generally in the area. It goes on to state at paragraph 65 that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Conserving and enhancing the natural environment is a key delivery mechanism for sustainable development within the Framework which places an importance on the planning system to enhance the natural and local environment by protecting and enhancing valued landscapes.

Letters of representation received raised concerns, in summary, relating to the

development having a negative visual impact upon the character and appearance of the area; Fernlea estate is based on the original Essex Design Guide 1973; Fernlea is proposed to be a conservation area; fencing and access design in not in accordance with national standards; and would impact upon the landscape character of the existing countryside area.

### Design

The Primary School and Early Years centre is considered to be an important building within the community. As such it is essential that it is of a high quality design that fits within its location.

The planning statement highlights that the applicant has assessed and considered the site characteristics and neighbourhood and considered the siting and design of the Primary School and Early Years centre within the Braiswick neighbourhood from the outset. The submitted Tree Report has influenced the siting of the buildings and the location of external formal and informal play space. The planning statement also sets out that both public consultations resulted in amendments to the siting of buildings to create significant distance from existing residents of Fernlea and Apprentice Drive; to move the playing fields eastwards away from residential properties to the north; and the relocation of staff parking away from boundaries of 40 and 57 Fernlea.

As referred to, the Primary School building would be set on an east/west alignment being centrally located within the south western area of the site to maximise its public frontage with the entrance off Apprentice Drive. The building would be 75m in length which would create a long block appearance however, this is broken down into modules to reflect the internal functions of classrooms, entrance and hall.

The Primary School and Early Years centre would be clad in red brick and softened with a light buff brick with white render, reducing the massing. Coloured spandrel panels are also proposed with operable windows either side.

CDP policy DP1 (Design and Amenity) requires development to respect and enhance the landscape and other assets that contribute positively to the site and the surrounding area.

Although representations have been submitted which state that the Fernlea estate represents the original Essex Design Guide 1973 and that it has been submitted to become a conservation area, the allocation of the Fernlea estate as a conservation area could only be provided through the next iteration of the Colchester Local Plan. Currently the Fernlea estate is not shown as a conservation area with the CSA. Nonetheless, it is important to assess the proposed design to ensure no adverse impacts upon the character and appearance of the Fernlea estate or New Braiswick Park residential areas.

It is considered that the proposed school, due its position within the site, is not easily read in the context of the surrounding residential townscape. Essex County Council's Place Services (Urban Design) has raised no objection to the scheme

and Colchester Borough Council has also raised no objection. Therefore, in light of the school's position within the site and no statutory/ECC advisor objections being raised on design grounds, it is considered that the proposal's more contemporary design is appropriate and would not have an adverse impact upon the character or appearance of the Fernlea estate or New Braiswick Park.

In relation to concerns that the Fernlea estate could have increased crime due to the proposed design and access arrangements, Essex Police Crime Prevention Tactical Advisor & Architectural Liaison Officer raised no objection to the proposal and comments, inter alia, *'In relation to the access to the proposed school I can confirm that from a crime prevention perspective that we are happy with the proposal ..... With regards cul-de-sacs it has been stated<sup>3</sup> that "footpaths linking cul-de-sacs to one another can be particularly problematic". In this case these are particularly long cul-de-sacs and that access I understand will only be available during school hours and then controlled and so this has been mitigated'*. As noted above the gates would only be open in the morning and afternoon and only emergency services would have access to the keypad number to allow them easy access to the site if called.

CCS policy UR2 (Built Design and Character) requires the design of development proposals to be sympathetic to the character of the area and seek to secure high quality design.

The design and access statement notes that The Myland Design Guide highlights that Myland Parish Council, particularly in the newer areas, lacks small scale community infrastructure. A school in this location would help provide a focal point for New Braiswick Park that is currently lacking.

It is considered that the proposed design and layout complies with CCS policy UR2 and CDP policy DP1 as the contemporary design would be of a high standard respecting the character of the site and its context through appropriate height, size, scale, form, massing and materials. The proposed school's would also accord with the requirements of paragraph 56 of the Framework which applies great importance to the design of the built environment.

#### Landscape and Arboricultural Issues

Policy ENV1 (Environment) seeks the conservation and enhancement of the natural environment and countryside. Development on unallocated greenfield land outside settlements will be strictly controlled to conserve the environmental assets and open character of the borough.

As noted earlier within this report the application site is unallocated within the CSA although located immediately adjacent to the defined settlement boundaries of Colchester. It is considered that although the principle of the proposal within this location is accepted it is important to assess whether or not the scheme would conserve the environmental and open character of the area.

Letters of representation received raise concerns, in summary, in relation to the

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<sup>3</sup> Secured by Design – New Homes 2014



removal of TPO trees; works to TPO trees; works to trees adjacent to the Fernlea access; and that the proposal would have an adverse impact upon the landscape character of the area.

The site is covered by a blanket TPO and as a result a number of mature trees and hedges are the main feature within the landscape.

The design and access statement sets out that the external landscape design has met the design brief criteria by creating a logical sequence of external spaces with clearly defined functions and characters. The school, as a whole, would sit within a unified and unifying landscape, but within that smaller spaces and places would satisfy the needs of the different pupils, age groups, teaching staff and parents, whilst responding positively to the site context and largely residential surrounding land use.

The planning statement considers that the site benefits from a number of mature trees and hedges which make a valuable contribution to the local environment and character. The landscape scheme for the development retains the majority of TPO trees. Where there is a necessary loss of trees (35), mainly Category C<sup>4</sup> (trees of low quality) or dead trees, these are adequately compensated with 70 native replacement trees. This includes particularly consideration of the proposed boundary treatment for the Fernlea access, which are the closest residents to the application scheme. A number of specific concerns were also raised and addressed below.

Tree T18 and proximity to nursery play area – The revised landscape drawings prepared by the applicant show that the layout has been revised to accommodate the Root Protection Areas (RPA) of this tree.

Concerns have been raised that the construction method proposed for the Fernlea access would have a negative impact upon TPO trees T59 and T61 which would cause them to die or have an adverse impact upon the street scene of the area. The submitted revised Tree Report (June 2014) includes provisions for hand dig solutions to protect existing trees and should planning permission be granted a condition could be imposed requiring compliance with the methodology.

The County Council's Place Services Tree advisor was consulted and raised no objection to the landscaping proposal; subject to all excavation within the Root Protection Areas being carried out using a hand excavation method and not via the use of air spades and by small hand tools or powered hand tools or machinery; the development should be carried out in accordance with the Arboricultural method statement and tree protection plan as provided and details of the appointed project arboriculturalist be provided. The applicant has confirmed that all excavation within the Root Protection Areas would be carried out using a hand excavation method and in accordance with Arboricultural method statement. Details of the arboriculturalist have been provided.

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<sup>4</sup> Trees of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15 cms in diameter which should be considered for re-planting where they impinge significantly on the proposed development (British Standard BS 5837:2005)

As noted above a full Arboricultural Method Statement in accordance with BS5837:2012 has been submitted which builds upon the outline strategy in the submitted Tree Survey Report (June 2014). It is noted that the applicant confirms that all tree works would be undertaken outside of the bird nesting season between October and February. Should permission be granted a condition could be imposed to ensure that tree works are undertaken outside the birding nesting season.

The submitted Landscape Management Plan would secure the active promotion of enhanced landscape and the encouragement of biodiversity on the site which is also further considered below within the ecology section of this report.

It is considered that the application proposals, as amended in light of comments received and those aspects identified above being capable of being conditioned, the proposal accords with the requirements of the Framework and CCS policies ENV1 and UR2 and CDP Policy DP1.

## F ECOLOGY

Paragraph 118 of the Framework states, inter-alia, that when determining applications planning authorities should aim to conserve and enhance biodiversity and that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

CCS policy ENV1 (Environment) states in summary that 'The Council will safeguard the Borough's biodiversity, geology, history and archaeology through the protection and enhancement of sites of international, national, regional and local importance. In particular, developments that have an adverse impact on Natura 2000 sites or the Dedham Vale Area of Outstanding Natural Beauty will not be supported'.

There are no international, national or regional nature conservation designations within 1km of the site. The submission documents highlight that a section of Lexden Dyke and West House Wood Wildlife Site, which are Essex Wildlife Trust Nature Reserves, are within 1km of the site but separated from it by existing residential development.

CDP policy DP21 (Nature Conservation and Protected Lanes) requires inter alia that *'Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle. For all proposals, development will only be supported where it ..... (i) Is supported with acceptable ecological surveys where appropriate. Where there is reason to suspect the presence of protected species, applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs... (ii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats'*.

A Phase 1 desk-top Ecological Survey was undertaken by the applicant and assessed the potential for the presence of protected species including Bats, Great Crested Newts (GCN), Breeding Birds and Reptiles. The report states that the site is of a low ecological value with the exception of some large mature oaks. It is proposed that one of the mature living oaks would be removed and the dead ancient oak pollard on the southern boundary would be felled/reduced. The report also noted the use of the site for bats and that it supports a population of slow worms and nesting birds.

The applicant in response to initial concerns raised by the County Planning Authority's Ecological advisor in relation to the phase 1 survey undertook additional bat surveys (two) and an invertebrate survey which were submitted for consideration. A combined and revised landscape and ecological management plan was also submitted. The three reports listed below were revised in light of comments raised during the consultation process:

- Baseline Ecology Report and Assessment (August 2014);
- Report of an Invertebrate Study of Mature Oaks (July 2014), and;
- Landscape and Ecological Management Plan and Reptile Habitat Management Handbook (August 2014).

The applicant has highlighted that the additional survey results do not alter the conclusions of the initial ecology assessment. The ecological assessment has had full regard to Natural England standing advice.

Following submission of the above reports, no objections have been received from the County Ecologist, Natural England or Environment Agency on ecological grounds.

It is considered that ecology requirements can be mitigated on-site through appropriate conditions and that there is no need for off-site mitigation or compensation in light of the documentation received and response from statutory consultees.

Therefore, subject to the imposition of a condition requiring that the development is carried out in accordance with the submitted documents noted above, it is considered that the proposal accords with the requirements of the Framework and CCS policy ENV1 and CDP policy DP21 as appropriate surveys and information has been submitted to ensure minimal fragmentation of habitats and conservation and enhancement of the biodiversity value of the existing site and the proposed scheme can be the subject of a condition should planning permission be granted.

## G HERITAGE

CDP policy DP14 (Historic Environment Assets) seeks that 'Development will not be permitted that will adversely affect 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.....(iii) Preserving or enhancing Scheduled Monuments including their respective settings, and other features which

contribute to the heritage of the Borough’.

The Framework (para 132) requires, inter-alia, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.

The application site is not located within or adjacent to a conservation area and there are no listed buildings within or close to the site. Approximately 100 metres to the west of the application site running north/ south is a Scheduled Monument comprising the rampart and ditch of Moat Farm Dyke. The monument includes the visible and buried remains of the northern part of the late Iron Age linear boundary earthwork (Lexden Dyke).

English Heritage in its response states that *‘the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice’*. In light of this the County Council’s Historic Environment advisor was consulted and raised no objection to the scheme on archaeological grounds and commented as follows *‘As part of the planning application the archaeological evaluation report has shown that there are no important archaeological deposits on the site of the proposed school. There would be no archaeological recommendations for intervention on the site prior to development. English Heritage has made no recommendation on the setting of the Scheduled Monument adjacent to the site. Therefore this office has no objections in relation to the historic environment impact of this development’*.

Additional tree and hedge row planting would be provided along the eastern boundary of the site screening the proposal from Lexden Dyke and thus maintaining its setting.

The submitted Heritage Report notes for the site that the 19th Century brickworks appears to have finished by about 1900, but the kiln and outbuildings are shown on ordnance survey maps until about the Second World War. All traces of the buildings have now disappeared. The Archaeological Evaluation established that no remains were encountered that can be directly related to the late brickworks and that only a low density of post medieval and modern remains within the development area have been found.

Therefore, the proposed landscaping to screen the building from the dyke; in light of the information provided in the submitted Archaeological Evaluation; and the responses received from Colchester Borough Council and the County Historic Environment officer raising no objection, it is considered that the proposal would be unlikely to have an adverse impact or cause harm to significant archaeological remains or the setting of the Scheduled Monument and therefore is in accordance with CDP policy DP14 and the Framework.

## H IMPACT UPON AMENITY

CDP DP1 (Design and Amenity) requires development to be designed to a high standard, to avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must

demonstrate, inter-alia, that they, and any ancillary activities associated with them, will respect and enhance the character of the site, its context and surroundings; 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; respect or enhance the landscape; and incorporate any necessary infrastructure and services.

Letters of objection raise the potential impacts to amenity, including concerns that the impacts could be experienced over quite a large area and beyond the nearest residential dwellings of Fernlea. Impacts on amenity by various means are discussed below, and these are considered for all those that could be affected within the area.

The proposed development does however have the potential to harm the amenities of local residents through vehicle movements, dust and noise pollution.

#### Noise, Air Quality and Lighting.

The submitted Planning Statement notes that the impacts of noise on residential amenity has been a primary consideration in the proposed design and layout of the primary school and early years centre, particularly for those closest to the site. As a result the scheme has evolved to move all buildings and external play spaces away from the boundaries of existing residents on the east, north and south of the site.

It is important to note that the existing characteristics of the area is of an undeveloped site within a quiet residential neighbourhood whereby the noise levels from the proposal would be significantly higher during start and finish of the school day, potential for deliveries to arrive during the day and play times which could have a material impact on residential amenity.

Colchester Borough Council state within the officer report (ref: 140586 dated 10<sup>th</sup> July 2014) that the submitted Acoustic Report was considered by their Environmental Protection team and was found to be acceptable. Colchester Borough Council's Environmental Control Team has advised that the recommendation for a 1.8m high close boarded fence would reduce the impact on the adjacent residents of Fernlea. They consider that this, in conjunction with the access gate being closed after 4/5pm, should alleviate the potential noise from vehicles. The Environmental Control Team note that the location of plant and machinery is not currently known, but consider that potential noise generated by this equipment can be adequately managed by the imposition of a standard condition. Overall, no objection is raised by Environmental Protection Officers on grounds of noise.

The County Council's Noise consultant states, in summary, '*The issues which require particular consideration are the noise from playgrounds and sports pitches and the noise from the access road. Noise from sources such as these at other schools would not be unusual. However, the residents in the vicinity of the proposed school have become accustomed to a particular noise climate and the potential for adverse comment or complaint should be considered. It would be*

*remiss if we did not bring these issues to your attention.*

*In time residents may become accustomed to the noise from the access road, the playgrounds and sports pitches. It should also be noted that, the noise from the exit road, playgrounds and sports fields will not be experienced all day, which may result in a greater tolerance of noise attributable to the school from nearby residents.*

*Given the presumed need for the school and the presumed lack of more suitable alternative sites, it is not recommended that planning permission be refused on noise grounds. However, potential adverse noise impacts predicted for residents in the vicinity of the school will have to be recognised'.*

In light of the above, further discussions with the applicant has taken place and should permission be granted appropriate conditions could be imposed to control noise emissions covering the following:

- Noise break-in levels would be designed to achieve the BB93/BB101 limit of 40dB LAeq, this is based on the 5dB(A) relaxation allowed by BB101 for naturally ventilated classrooms. However some events are outside of the applicant's control (such as military helicopters operating in the area) and these levels may be exceeded during some periods;
- Limits on external noise at site boundaries (the rating level of noise emitted from the site's plant, equipment and machinery should not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises);
- Sound Insulation measures on any building where there is to be amplified sound. The only potential place where amplified music may take place is the assembly hall;
- CBC refers to further conditions which are acceptable to the applicant and which would safeguard local amenities including:
  - A 1.8m fence to be erected / maintained to either side of the school exit road to Fernlea; Hours of use being 07.00 to 18.00 to allow for the early arrival of staff.;
  - Extraction measures to control fumes and odours from food; A prior to occupation condition for the ventilation and extraction plant to be submitted for approval and implemented in accordance with the approved details would be appropriate, and;
  - External Light Fixtures (to be agreed with the planning authority).

The applicant has agreed to restrict the use of the school between 07:00 and 18:00 hours to ensure that the impact of the use is kept to a minimum. CBC's planning committee have however noted that the opening times of the school would need to balance the school's operational requirements and the potential use of the building for the community, with the need to safeguard local residents from undue noise and disturbance. Given the applicant's intention to restrict the use of the school to the hours stated combined with the imposition of conditions controlling noise, it is considered that the use is acceptable.

It is nonetheless recommended that a condition is imposed restricting construction

hours, should permission be granted.

In light of the response provided by CBC Environmental Protection Officers and the County's noise consultant it is further considered that the proposal would not have an unacceptable impact on noise grounds.

In relation to potential impacts upon air quality due to vehicular movements and construction the county's Air Quality advisor has raised no objection to the proposal. The advisor commented that during the construction of the school, there is a potential for the adjacent residential properties to experience dust impacts. A number of mitigation measures have been detailed in the Construction Environmental Management Plan (CEMP) to minimise dust impacts. Further to this, the CEMP details that there would be a member of the site team who would be specifically responsible for community relations.

The Design and Access Statement contains a summary of the proposed lighting. However, due to the presence of bats in the area and the close proximity to residential housing, it is considered appropriate that should planning permission be granted a condition be imposed stating that no fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance are submitted and formerly approved in writing. This would minimise the potential nuisance of light spillage on adjoining properties and any ecological impacts upon bats.

#### Hydrology and Drainage

The proposed development site is located within Flood Zone 1, classed as low probability risk, as defined in development table within the Framework. Whilst the site is outside the floodplain, development in this category can generate significant volumes of surface water. The impact and risk posed by this will vary according to both the type of development and the characteristics of the catchment and needs to be addressed by a Flood Risk Assessment.

A Flood Risk Assessment and Drainage Strategy Report have been submitted. The report seeks to demonstrate that by following the specific flood risk assessment recommendations for the site, the proposed development of the Primary School and Early Years centre is neither at increased risk of flooding, nor does it increase the risk of flooding to others in areas upstream or downstream.

The Environment Agency has raised no objection subject to a scheme for surface water drainage being submitted. Therefore the proposal is considered to accord with the requirements of the Framework.

#### Amenity Summary

As a result of the above discussions, it is not considered that the proposed development of schooling accommodation and ancillary works would have significant detrimental impacts on the amenity of nearby residents by means of noise, dust, lighting or hydrology. Whilst there may be some impact on nearby residents (as set out by the Council's noise consultant), it has been demonstrated



that there is a need for schooling accommodation for increased pupil numbers, that no alternative sites exist for the proposal, the proposal would be used to fulfil pupil places within the area it is placed, that increased noise emissions from vehicles entering and leaving the site would be at two peak times and that the Framework places great importance on providing schooling accommodation, it is considered that these considerations are significant enough outweigh any adverse impact on amenity. Nevertheless, suitable conditions would be imposed regulating the impact on amenity, should permission be granted. It is therefore considered that the proposed development does not conflict with the aims and objectives of CDP policy DP1.

## I HUMAN RIGHTS

Article 8 of the European Convention on Human Rights (as incorporated by Human Rights Act 1998), provides that everyone is entitled to respect for his private and family life, his home and correspondence.

Article 1 of Protocol 1 of the European Convention on Human Rights provides that everyone is entitled to peaceful enjoyment of his possessions.

In light of the absence of considered significant impacts in terms of noise, air quality, lighting, traffic or other amenities, it is considered there is no interference with either Article 8 or Article 1 of Protocol 1. Even if there were such interference, it is considered that the interference would be of such a level as to be clearly justified and proportionate in the public interest.

## CONCLUSION

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The Framework highlights that great weight should be given to the need to create schools and meet school provision in areas of school accommodation needs for existing and new communities.

It is considered that the need for this development has been established to provide adequate facilities for pupils and to comply with the Government's Target Based Need programme. The proposed development would result in the provision of school places, in addition to Early Year's education provision within an area where there is an increasing deficiency in primary school places and where existing schooling accommodation has been fully expanded to meet increase in pupil place demand.

The applicant has reviewed alternative locations and future schooling accommodation on other development sites would be used to fulfil the primary school pupil needs of those developments. Therefore, the principle of the need for additional education provision at this location has been established.

Traffic, congestion and the adequacy of the proposed accesses is known to be an

issue in the local area, but it is considered that the provision of staff car parking places and additional pick up and drop off areas would help mitigate any adverse impact arising from the proposed trip generation figures contained within the TA. Gates would be provided at the access points to ensure the site is not available to be used as a cut through. The Highway Authority has no objection on safety and capacity grounds.

It is considered that the school would provide high quality buildings and facilities for effective learning environments for pupils. It is considered that the design of the building has been carefully considered and would be of a high quality and a benefit for the area in accordance with the Framework.

The Heritage, landscape, tree and ecology impacts of the proposed development are not considered to be detrimental and measures proposed to mitigate any loss. It is not considered that the proposal would result in an increase in flood risk at the site or elsewhere.

There is likely to be an impact to residents through additional noise generation from the proposal however, it is considered that, subject to appropriate conditions being imposed, the application should not be refused on noise grounds given the need for the proposed use and the Framework's requirement that greater weight be placed on need.

The need to meet economic, social and environmental dimensions of the Framework are considered to have been demonstrated and given that the proposal would deliver vital schooling accommodation, it is considered the development constitutes 'sustainable development' in accordance with the Framework.

On balance, it is considered that the proposal conforms with the relevant policies of the Development Plan, taken as a whole and the policies relied upon in this report are considered to be consistent with the Framework. Therefore, the proposal is considered acceptable subject to the imposition of appropriate conditions.

## **RECOMMENDED**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the application dated 23<sup>rd</sup> May 2014, together with drawing numbers BS-KSS-DWG-A-001 Rev A dated 06/02/14, BS-KSS-DWG-A-002 Rev K dated 08/08/14, BS-KSS-DWG-A-10 Rev B dated 22/05/14, BS-

KSS-DWG-A-020 Rev A dated 03/04/14, BS-KSS-DWG-A-100 Rev L dated 21/05/14, BS-KSS-DWG-A-101 Rev L dated 25/05/14, BS-KSS-DWG-A-102 rev D dated 18/03/14, BS-KSS-DWG-A-110 rev D dated 03/06/14, BS-KSS-DWG-A-111 Rev C dated 03/06/14, BS-KSS-DWG-A-200 Rev A dated 04/03/14, BS-KSS-DWG-A-201 Rev A dated 04/03/14, BS-KSS-DWG-A-202 Rev A dated 04/03/14, BS-KSS-DWG-A-203 Rev A dated 04/03/14, BS-KSS-DWG-A-300 Rev J dated 01/09/14, BS-KSS-DWG-A-301 rev H dated 01/09/14, BS-KSS-DWG-A-310 Rev E dated 08/08/14, BS-KSS-DWG-A-1201 Rev B dated 25/07/14, BS-HED-DWG-LA-101 Rev F dated 16/09/14, BS-HED-DWG-LA-102 Rev E dated 16/09/14, BS-HED-DWG-LA-103 Rev F dated 08/08/14, BS-HED-DWG-LA-104 Rev C dated 08/08/14, BS-HED-DWG-LA-105 Rev D dated 08/08/14 and BS-HED-DWG-LA-106 Rev E dated 16/09/14 e-mail from Dalton Warner Davis concerning Tree Works dated 05/09/14, letters from Dalton Warner Davis dated 23/05/15, 19/06/14, 08/08/14 and 15/08/14, letter from Essex County Council Project Sponsor concerning memorandum of understanding and highway contribution dated 16/09/14, the contents of the Design and Access Statement including Landscaping, Material Schedule and refuse Plan dated 04/06/14, Statement Of Community Involvement dated 23/05/14, Tree Survey Report dated 12/06/14, Arboricultural Method Statement dated August 2014, Noise report dated 19/06/14, Archaeological Desktop Assessment dated March 2014, Archaeological Evaluation dated April 2014, Transport Assessment and No dig Access construction Drawing CIV SA 95 0022 A02 dated 08/08/14, School Travel Plan dated 14/07/14, Flood Risk and Drainage Strategy P03 including Drainage Drawing BS ST-D-DWG 2101 dated 08/08/14, Utilities Statement submitted on the 05/06/14, Site Investigation Report dated 12/06/14, Sustainability Statement dated April 2014 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions: -

3. No beneficial occupation of the development hereby permitted shall take place until the construction of the proposed site access roads, as shown on drawings BS-HED-DWG-LA-106 Rev E dated 16/09/14 and BS-HED-DWG-LA-101 Rev F dated 16/09/14, has been completed.
4. No beneficial occupation of the development hereby permitted shall take place until two new sections of footway along the northern side of Apprentice Drive at the western and eastern end of the site and associated footpath connections into the site, has been completed.
5. No beneficial occupation of the development hereby permitted shall take place until an updated school travel plan has been submitted to and approved in writing by the County Planning Authority. Details shall include a programme for monitoring its success in delivering sustainable modes of transport, programme for monitoring cycle parking uptake/provision and how the school will publish the Travel plan and ensure that users embrace the plan. The development shall be implemented in accordance with the approved travel plan.

6. The construction of the development hereby permitted shall not be carried out outside the following times:

07:00 to 18:00 hours Monday to Friday

and at no other times, including on Saturdays, Sundays, Bank or Public Holidays.

7. No beneficial occupation of the development hereby permitted shall take place until Sound Insulation measures on any building where there is to be amplified sound shall be submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
8. The rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises as referenced in noise report dated 19/06/14 and letter from Dalton Warner Davis dated 15/08/14.
9. No beneficial occupation of the development hereby permitted shall take place until details of ventilation and extraction plant to be used in the development hereby permitted has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
10. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, luminance and proposed hours of operation have been submitted to and approved in writing by the County Planning Authority. The details shall:
- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - Show how and where external lighting would be installed, through the provision of appropriate lighting contour plans and technical specifications, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
  - Detail the proposed hours of operation.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

11. The 1.8m fence adjacent to the Fernlea exit access is to be maintained for the life of the development hereby permitted.

12. Noise break-in levels shall achieve the BB93/BB101<sup>5</sup> limit of 40dB LAeq, based on the 5dB(A) relaxation for naturally ventilated classrooms.
13. In the event that contamination material is discovered on site, details of mitigation and remediation and a timetable for implementation shall be submitted for approval by the County Planning Authority. The mitigation and remediation shall be implemented in accordance with the approved details.
14. The development hereby permitted shall be implemented in accordance with Baseline Ecology Report and Assessment (August 2014), Report of an Invertebrate Study of Mature Oaks (July 2014), Landscape and Ecological Management Plan, Reptile Habitat Management Handbook (August 2014) and Construction Environment Management Plan (August 2014) submitted with this application and shall be implemented in accordance with the submitted details. The mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise approved in writing by the County Planning Authority.
15. No topsoil is to be used for the establishment of the wild flower areas as indicated on BS-HED-DWG-LA-101 Rev D dated 08/08/14.
16. No beneficial occupation of the development hereby permitted shall take place until details of an updated management plan omitting the construction phase has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
17. The development hereby permitted shall be implemented in accordance with the Arboricultural Method Statement (August 2014) and email from Dalton Warner Davis dated 05/09/14.
18. No beneficial occupation of the development hereby permitted shall take place until the surface water drainage scheme as detailed in the Flood Risk Assessment undertaken by Skanska Ref: BS-STL-D-RPT-0001 dated 23/05/2014 and Drainage Drawing BS ST D 2101 dated 08/08/14 has been implemented. Without prejudice to the foregoing, the surface water drainage scheme shall include measure for:
  - Investigation the feasibility of infiltration SuDS as a preference.
  - A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
  - A discharge rate to the AW piped network at the agreed rate of 7.6l/s
  - Attenuation storage shall be provided to cater for the 1 in 100 year

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<sup>5</sup>Building Bulletin 93 (BB93) "Acoustic Design of Schools"

critical storm plus allowance for climate change.

- Calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
- Details of any exceedance and conveyance routes
- 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 County Planning Authority.

### **Informative**

The applicant is encouraged to undertake a Community Use Scheme in consultation with local residents and users of the school. The scheme shall include the proposed level of community use of the school.

### **BACKGROUND PAPERS**

Consultation replies  
Representations

### **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

**EQUALITIES IMPACT ASSESSMENT:** This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

### **STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER**

The County Planning Authority (CPA) forwarded on all statutory consultation responses received in a timely manner to the applicant. This provided the applicant with the opportunity to see and comment on any and all issues which were raised resulting in the CPA acting 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 CPA has been able to recommend granting 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

## **LOCAL MEMBER NOTIFICATION**

COLCHESTER – Mile End and Highwood

COLCHESTER – Abbey

## Appendix 1

First Round Public Consultation representations received objecting to and supporting the proposal. These relate to planning issues, in summary, covering the following matters:

<u>Observation</u>	<u>Comment</u>
<u>Highways</u>	
Proposal to use Fernlea as an access road does not meet DP17 (Accessibility and Access) – development will only be allowed where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner	See appraisal
Supporting data shows adverse impact by virtue of increasing traffic volume by 285% across the Fernlea exit (Provided as Traffic Assessment Analysis within Representation) massively outweighs the benefit to the handful of Fernlea based children (referenced as 16 within representation) therefore, the ‘presumption in favour of sustainable development’ within the NPPF is inapplicable	See appraisal
Transport Assessment (TA) is flawed, one sided, missing key data or references and derives an incorrect conclusion	See appraisal
The TA has been independently reviewed by a construction and traffic consultant (Stilwell Partnership response dated July 2013) who confirms resident’s views	See appraisal
121 additional movements exiting Fernlea would have a significant adverse impact	See appraisal
The entry/exit from Fernlea onto Bergholt Road has reduced visibility due to trees and a blind corner, a narrow and inhibited entrance which will slow and block traffic and was not designed to support this volume of traffic and is therefore dangerous	See appraisal
Increase in traffic volume in Fernlea represents a significant and adverse impact and does not conclude using its own data	See appraisal



that the Tufnell Way access would result in a decrease in traffic volume

Safety concerns with sightlines for residents exiting their properties along Fernlea but especially from properties located adjacent to the school exit

See appraisal

Width issues along the entirety of Fernlea as an access route, whilst properly investigating appropriate and cheaper more cost effective alternatives

See appraisal

Inadmissible claims that 3<sup>rd</sup> party would regulate the “rat run” through route that would be created. Cannot be controlled by ECC, CBC and would be subject to a community use order and Sport England and would result if significantly expanded use which must therefore render the claims of mitigation control useless

See appraisal

Not the claimed number of school children within Fernlea that have been used to justify the access

See appraisal

TA submitted is incorrect

See appraisal

Traffic survey taken on one day which is not a true reflection of every day traffic movements

See appraisal

Fernlea access is against national and local planning policy

See appraisal

Cyclists traveling to the school from Bergholt Road would face vehicles exiting from Fernlea

See appraisal

Cars coming from the north catchment area would drop kids off at the Fernlea exit causing additional problems

See appraisal

Parking during parents evening, weekends and out of hours activities would have an impact

The applicant has suggested a condition restrict hours of operation between 07:00 – 18:00 Monday to Friday - See appraisal

Statement that Fernlea junction has slightly better visibility is incorrect as appears an old image used. Junction between Tufnell Way

See appraisal

and Bergholt Road is better and been widened	
Due to various operations (deliveries, cleaners, school clubs) occurring at the school throughout the day it is clear that the gates will be open all day	See appraisal
Although claimed pupils will walk parents will still use the car to drop pupils off	Pick-up and drop-off areas are proposed - See appraisal
Design concerns of access onto Fernlea. The proposed camber could lead to excess water run-off, loss of privacy, safety concerns when snowfall and lack of visibility	The Highway Authority and Environmental Agency have been consulted in relation to safety and capacity and drainage onsite - See appraisal
Multiple representations seek that the independent transport report undertaken on behalf of Fernlea Residents Action Group (FRAG) be taken into consideration	The independent transport was submitted to the Highway Authority for their consideration - See Appraisal
Assessment timeframes incorrect as uses 07:30 – 08:30. Local primary schools do not let pupils into the campus much before 08:45	See above
Pragmatic timeframe would be 08:15 – 09:00, although fair comparison over one hour would be 08:00 – 09:00	See above
Figures within TA are incorrect, taking the predictions within Tables 3, 4 and 5 and taking scenario 1 there would be a reduction equating to 34%	Noted - See appraisal
Scenario 3 of submitted TA increases traffic movements out of Fernlea by 285%	See Appraisal
Scenario 1 has the least impact on the surrounding highway network	See appraisal
TA concludes that locating proposal adjacent to NBP makes it sustainable, this maybe case for site access scenario 1 but not for access scenario 3 as 285% which should be classed as severe	See appraisal
TA should address environmental impact on the B1508	Noted
Section 4 of submitted TA analyses issues against Apprentice Drive but not Fernlea	See appraisal

Scenario 1 proposed at first public consultation dismissed due to potential for on street parking at Fernlea. Reviewing data this equates to less than 30%. Parents would still park and escort pupils into the school therefore, this would happen regardless of any scenario	See appraisal
Site large enough to provide sufficient space for access, onsite loop road and drop off parking to reduce on street parking in surrounding roads	See appraisal
Realistic opportunity to widen Apprentice Drive. Although not adopted roads within NBP they are subject to a signed Section 38 agreement	The section 38 agreement is between the NBP developer CBC and Highway Authority. The proposal would be determined on the merits of the information provided and on the advice of the Highway Authority
Residents misled that current landowner has no further intension with southern site boundary	County Planning Authority can only determine the proposal and not what the applicant/landowner may choose to undertake in the future
Expression of 'little opportunity' misleading to expand Apprentice Drive. It can be demonstrated the best economical solution	See above
A 4.8m wide loop road can serve up to 200 dwellings. Apprentice drive serves 50 so there is additional capacity. 4.8m wide road is also sufficient for car and heavy goods vehicles to pass	The Highway Authority has been consulted as part of the application process - See appraisal
Given that 7% of pupils would come from Fernlea and over 50% from NBP stands to reason access should be taken from Apprentice Drive. This is the same for access scenarios 2 and 4	See appraisal
Traffic data and trip generation figures show access scenario 1 to have least impact on local road network and Tufnell Way/Bergholt Road junctions	See appraisal
Fernlea access would lead to a disproportionate effect on area given catchment area	See appraisal

Tufnell Way/Bergholt Road junction constructed to serve 750 dwellings and bus route. Junction designed to national requirements, has capacity and designed in a way to keep speeds below 20mph	Enforcement of speeds is a matter for the Police – Highway Authority consulted as part of application submission - See appraisal
Issue with visibility to east from Fernlea. Vehicular speed limits traveling westward exceed 30mph limit	Vehicles breaching the speed limit are matters for the police
Not sustainable development as would increase vehicle movements by non-residents through Fernlea reducing safety of residents	See appraisal
Education Authority stated that pupil provision could increase to 820 pupils making on street parking worse if sufficed pick up drop off not provided within the school	CPA can only determine applicants on the information provided and not on potential future aspirations - See above
Fernlea exit would have a detrimental effect on safe use of residential driveways. Contrary to Manual for Streets	See appraisal
Proposed privacy and noise fence would impair visibility and no detail provided on priority between school traffic and private road	See appraisal
Proposed access road width suggests other motives for future development	See above
Environmental Impact study examined the Fernlea proposal would show an unacceptable impact in terms of both loss of privacy and loss of amenity to adjoining house, in respect of ease of access, noise and road safety	See appraisal
Proximity of fencing on southern side of access road results in excess of 3m in height in close proximity to an established dwelling which cannot be acceptable in Highway Planning terms	See appraisal
Why is construction traffic now using Apprentice Drive instead of Fernlea	In response to concerns raised during the applicants public engagement programme process the applicant amended the construction access

Apprentice Drive access is not wide enough and would cause congestion within estate roads	See appraisal
Fernlea Estate is a series of cul-de-sacs. Through road would impact upon safety of children and would increase possibilities of crime	See appraisal
Fernlea not designed as through road	Noted
Cars currently turn around and access properties within the cul-de-sac at low speeds. With the access speeds would increase and accidents and collisions would inevitable happen	The monitoring of vehicular speeds is a matter for the police – See appraisal
Fernlea Road will become a rat run	See appraisal
Access would become a cut through for frustrated motorists who cannot get out of Tufnell Way onto West Bergholt from NBP	See appraisal
Petition signed by over 6000 people for ECC to take action in improving roundabout and West Bergholt Road. Proposal would add to congestion within this area	Unable to comment on petition as not submitted by residents as part of this scheme and relates to potential highway works outside of the applicants control.
Scheme may be seen as infrastructure but poor location 1km from distributor road	See appraisal
No details on priority to be given to Fernlea cul-de-sac residents when driving from private driveways adjacent to road link	Vehicles associated with the proposal would exit via Fernlea. It would be for all users to abide by the Highway Code.
Access scenario 1 dismissed due to school catchment might park at the end of Fernlea and walk their children through pedestrian link. Due to predicted 121 vehicular trips on street parking is inevitable in surrounding roads	See appraisal
TA contains series of incorrect and subjective statements which pose risk in misleading councillors and Planning officers considering application	The Highway Authority were consulted to ensure soundness of TA – see appraisal
TA downplays traffic impact and contains misleading errors Inadequate consideration given to alternative	The Highway Authority were consulted – see Appraisal See appraisal

access points, such as Baker's Lane as an exit	
Accident at Queen Boudica Primary School involving a child demonstrates that increased traffic flows will be unsafe for children playing within Fernlea	Accidents involving motor vehicles and pedestrians is a matter for the police
Entry and access on Apprentice Drive feasible as: more suited to accommodating traffic (existing buses), widening potential, exit could be on southern boundary (minimise congestion), one way loop could be introduced around New Braiswick Park, and New Braiswick Park will be primary beneficiary of the school	See appraisal
Parking restrictions in Fernlea will push parking onto side roads	The Highway Authority were consulted – see above
School will be filled by children from outside area which will increase traffic flow	See appraisal
Young children will not get train to school, cycle to school on Bergholt Road or take the bus on their own; will be dropped off	Noted - see appraisal
Queuing at junction due to increased traffic will prevent exiting driveways near junction	The Highway Authority were consulted – see appraisal
Tufnell Way junction wider, better visibility and slower speeds	See appraisal
Proposed school needs its own separate access from the main road, such as Bakers Lane, with pedestrian access from Fernlea and New Braiswick Park. This would limit traffic disruption, have better environmental and safety outcomes and avoids damage to Fernlea and New Braiswick Park	A Scheduled Ancient Monument (SAM) is located 100m to the west of the application boundary which if access was to be provided would run through the SAM. 4 access scenarios have been appraised as part of the applicants submission - The Highway Authority were consulted – see appraisal
Travel plan fails to take into account; the fact that majority of students will not be from the area and will be brought by car (for potentially 7 years per child), parents will leave children in their current schools and also send younger siblings to the same school and local parents were not consulted	The Highway Authority travel plan team were consulted – see appraisal
Fernlea was built 30 years ago and was not designed for proposed traffic volume and	The Highway Authority were consulted – see appraisal

large vehicles

Large crater in Fernlea caused by one large vehicle

Noted - Maintenance of the public highway is the responsibility of the Highway Authority

Apprentice Drive has a one way system for buses that could be used for construction and access

The proposal seeks to use Apprentice Drive for construction access for the commencement of the development

Fernlea is not part of the gritting roster; New Braiswick Park is flatter and more suited to snow and heavy frost

Noted - Maintenance of the public highway is the responsibility of the Highway Authority

Houses bought to avoid main roads

The proposal is for an access onto

Manual traffic count has not taken into account Bergholt Road or North Station which is normally congested and backed up between 8-9am on a daily basis

The Highway Authority were consulted – see Appraisal

TA was done on one day; why was modelling data from ECC Highways not used, as they have carried out assessment of Bergholt Road and North Station within the last couple of weeks

The Highway Authority were consulted – see Appraisal

Foot access from Fernlea more sensible

The proposal would provide a shared cycle and footway adjacent to the vehicular access

Risk mitigation required, including yellow line parking restrictions on Apprentice and Fernlea, zebra crossing on Apprentice and no waiting restrictions enforced

The Highway Authority were consulted and requested that should planning permission be granted a contribution be provided by the developer to cover parking restrictions, signage within the Fernlea and Apprentice Drive highway network – see appraisal

‘No Waiting at Any Time’ needs to be implemented at key points in Fernlea

See above

No Parking restrictions are unacceptable; shows how disjointed local Government is

See above

52 full time employees and 28 car parking spaces will result in overflow into streets

See appraisal

Cycle provisions are below national guidance

See appraisal

Fernlea is small established development with restricted access from Bergholt Road

The Highway Authority were consulted – see appraisal

Request waiting/parking restrictions during peak school hours	See above
Damage to trees owned by third parties; proposed exit road will impinge the root area of 3 trees and 2 of the 3 trees will have more than 20% of their root protection areas affected	See appraisal
Car park management is needed to ensure drop off style service is operated and staff walk pupils into class	See appraisal
Fernlea currently a quiet cul de sac and parents will enter from the top of Fernlea and drop children off at the exit from the school	See appraisal
Whilst significant numbers of children will come from New Braiswick Park, the children will not walk in winter rain etc.	Pedestrian footways have been proposed to allow access and egress for all weather conditions
Teacher and staff parking will spill onto Apprentice Drive, Breeze Lane and Fan Avenue if adequate parking not provided	See appraisal
No footpath on northern side of Apprentice Drive resulting in children dangerously crossing and walking on the road	The Highway Authority were consulted and assess pedestrian access arrangements
Traffic will queue to gain access to the School deteriorating living standards for residents of New Braiswick Park	See appraisal
Access will be an issue due to the narrowness of the roads in New Braiswick Park, on-street residential parking and limited scope for widening	See appraisal
New Braiswick Park is already congested due to residential and commuter parking	The Highway Authority were consulted – see appraisal
Yellow lines have done little to curtail commuter parking in Phases 1 and 2 of New Braiswick Park and no parking measures are proposed for Phases 3 and 4 where access to the school is proposed	The Highway Authority were consulted and have sought a contribution for amongst other things the painting of yellow lines and the monitoring of restrictions – see appraisal
North Station roundabout causes congestion	See above
TA on 11/03/2014 is flawed as it was for one	The Highway Authority were consulted – see



day only and relied upon assumptions and people adhering to policies	appraisal
Query as to why consideration was not given to locating the school further to the north where 1600 new houses are proposed to be built	See appraisal
Heavy construction vehicles could cause subsidence and property damage	A construction management plan was submitted by the applicant. Subsidence and property damage during construction is a private matter between the applicant and landowners. The Highway Authority were consulted – see appraisal
Fernlea has suffered from subsidence and is not suitable for extra traffic or for large vehicles	See above
Addition of traffic measures to Fernlea, such as double yellow lines, parents and commuters to park further along Stonecrop and other roads	The Highway Authority were consulted – see above
Elevated road through Fernlea unacceptable to immediate houses	See appraisal
A 400 pupil school will have 200 or more vehicles delivering pupils; particularly when parents are under time pressure or bad weather	See appraisal
Internal drop off facility encourages car drop offs	The applicants have submitted a Travel Plan which the school would use to promote walking and cycling to the school. Pick-up and drop-off - See appraisal
Heavy commuter parking on both sides of Fernlea at Braiswick end makes navigating access difficult	See above
The design, condition and age of the Fernlea Road was not considered in the TA; not suitable for the proposed level of through traffic, heavy services vehicles or construction traffic, as evident by recent heavy vehicle damage	Maintenance of the public highway is a matter for the Highway Authority who have been consulted as part of the application
School run occurring at the same time as the morning rush hour, combined with	The Highway Authority were consulted – see appraisal

congestion around North Station roundabout and blind right turn from Fernlea onto Braiswick, jeopardises highway safety

Fernlea road is narrow and on road parking makes it difficult for traffic to pass; the road is effectively single lane in places

See appraisal

First wave houses on Fernlea have narrow frontages; for example 9 feet

The Highway Authority were consulted – see appraisal

Parking restrictions, such as double yellow lines, would be inappropriate for residents

See above

Concreting porches for parking would increase runoff and be of detriment to appearance of estate

Any applications for works to a residential property would be for Colchester Borough Council as local planning authority to advise on

County Council has placed a speed warning sign just past the Fernlea junction

Enforcement of speeds is a matter for the Police

TA was based on out of date Google Earth map from 2006; Tufnell Way entrance has since been widened

Applicant has submitted a revised technical drawing addressing comments made regarding the accuracy of the Tufnell Way access

Any extra-curricular activities, clubs or events that have been held at the school will use Fernlea as an exit and/or drop off point

See appraisal

As there are no catchment areas, it is incorrect to claim that the school will be purely for local residents; attendance by pupils from outside Braiswick will introduce new traffic

The TA and planning statement submitted with the application states that a 800m catchment area has been used in determining forecasted pupil numbers

TA is based on weak, unreliable data, for example GP records

See appraisal

It is not conceivable that the population of primary aged children on Fernlea will grow and places will be taken by children outside of Fernlea

See appraisal

No reference made to the imminent construction of Chesterwell Wood development and pupils from this development attending the school

See appraisal

Report ignores traffic associated with the

TA submitted address the potential highway

early years centre; due to the age of children, likely to be driven	impact of the whole scheme - The Highway Authority were consulted – see appraisal
Perceived benefits of access through Fernlea are outweighed by detrimental impact on residents	See appraisal
Not in compliance with Colchester Borough Council Development Policies Core Strategy DP1, particularly DP1(is), (iii), (iv) and (v)	See appraisal
Proposal will create detrimental impact: increased traffic flow, exit between houses would not be deemed acceptable on new development, prejudice the use and safety of only public space in Fernlea, create unsafe road conditions, potential for noise, disturbance and parking issues outside of school hours and failure to take into account existing character/historical design	See appraisal
Essex Design Guide completely ignored	See appraisal
Costs of traffic management works be included in the costs and approved as part of the planning approval process	See above
Pedestrian crossing needs to be included in planning application so that the implications can be assessed, in accordance with HSE, Highways Agency and County Council Guidelines, and made publicly available	The Highway Authority were consulted – see appraisal
Fernlea is affected by a dry valley that during wet weather has high moisture levels; has caused cracking. Considered that higher volumes of traffic will lead to structural damage to Fernlea area	See above
Necessary to demonstrate that Fernlea complies with current or previous regulations for roads accommodating heavy vehicles or high traffic volumes or risk judicial review of approval as breach or regulations continue indefinitely	The Highway Authority were consulted – see appraisal
Parking restriction would be an erosion or quality of life and significant inconvenience; cost of road markings and enforcement should be included application	See above and appraisal

Access is to be controlled by school which gives no assurance the system will not be abused	See appraisal
A majority of students will come from outside the Fernlea/Braaiswick area	See Appraisal
Transport assessment is flawed (£19 million pounds have been set aside to unclog the North Station area)	The Highway Authority is the responsible body for maintaining and enhancing the highway network - The Highway Authority were consulted
School appears and afterthought not part of original planning	See appraisal
Councillors failed to speak up for the concerns of residents on Apprentice Drive, a majority of which are young working families without the resources or skills to represent themselves	Not a planning matter – all representations will be taken into consideration
Schools usually have a 10 minute drop off window	See appraisal
Turning area will still be needed at the cul-de-sac of Fernlea	The Highway Authority were consulted – see appraisal
Does not take into account community use and special school events that will create traffic and parking issues outside school hours	See appraisal
<u>Amenity</u>	
Deprivation of right to enjoy peace and quiet	See appraisal
Loss of amenity in Fernlea with respect to the cul-de-sac and the single open green space within Fernlea which would not be accessible due to the increase in traffic	See appraisal
Use of the Fernlea access would increase noise and dust. Proposed 1.8m high fencing provides little sound insulation and is visually obtrusive	See appraisal
Refute fencing would reduce noise by 6db and even if it is there would still be a 10db increase in noise resulting in 20% increase	See appraisal

in ambient noise

Noise would impact upon families who chose to live on Apprentice Drive      See appraisal

Raising of road by 1.8m is unacceptable being within 2.4m of an adjacent property      See appraisal

450 cars plus other school vehicles would affect foundations of homes in Fernlea      Should foundations become affected due to the development of a school this would be a matter for the applicant and residents to address outside of planning - The Highway Authority were consulted

450 car movements would increase noise within estate by at least 450%      See appraisal

Fencing on Fernlea access has potential for vandalism and car damage and if not maintained would impact upon amenity of area      See appraisal

Design and Access Statement makes no mention of security or overnight lighting in respect of light pollution. These details should be submitted with the scheme      See appraisal

Adverse effect on residential amenity by way of noise, loss of privacy and increased traffic congestion within Fernlea due to traffic leaving school and Fernlea drop offs      See appraisal

Detrimental impact on residential amenities, its visual impact and impact on the character of the area      See appraisal

Concerns regarding infringement upon enjoyment of properties and change community appeal      See appraisal

The character of Fernlea is incongruous with proposed road      See appraisal

Access point will look out of keeping with the rest of Fernlea as the road: will be squeezed between two existing properties (look unnatural), will be fenced (not in keeping with brick boundary walls), will be elevated (irregular appearance) and will replace green area      See appraisal

Entry and access routes fail to meet requirement of National Planning Policy Framework (NPPF) for safe and suitable access for all people and safe/secure layouts which minimise conflicts between traffic, cyclists and pedestrians (Design Manual on Roads and Bridges irrelevant, poor visibility at junction, speeding on Braiswick and inaccuracies in TA) – Tufnell Way junction more suitable

See appraisal

Use of school gates to control non-school related traffic is a hope based on tenuous grounds; the gates will stay open as people will be arriving at the school at different times throughout the day, office staff will not be on site to open and close gates after school hours, gates will have to remain open for after school hours/weekend community use and special school events

School hours are proposed at 07:00 – 18:00 Monday to Friday only - See appraisal

Adverse traffic impacts will be exacerbated by children coming to the school from further afield

CBC Environmental Protection Team and County Air Quality advisor were consulted – See appraisal

As per Design Statement, to accommodate the Northern Growth Area, the school will grow to 3 form entry with 600+ pupils, with room for further expansion; this will further degrade the environment, safety and wellbeing of Fernlea residents

The CPA can only determine applications on their merits based on the information provided. The application is seeking consent for 420 place Primary School and Early Years centre

Proposed working hours (7:00 to 18:30 Monday to Friday) not in accordance with Colchester Borough Council Environmental Control best practice guidance; which states that no vehicle connected with works should arrive on site before 7:30 and working hours are to be restricted to between 8:00 and 18:00 Monday to Friday

See above

There will be long-running management problems for the new school and continued aggravation from residents

Not a planning matter

Operation of the gates will be under the control of school management; will have to accommodate staff arrival and departure before and after school hours, midday early

See above and appraisal

years traffic, school activities traffic, visitors and deliveries to the school and out of hours use, such as community uses, open evenings etc.

Will not be a primary school in the southern section of the Chesterwell development ; children will attend the proposed school adding to traffic

See appraisal

Growth of the school to 600 or 800 pupils will place an intolerable environmental impact on the residents of Apprentice Drive and Fernlea

See above

Pupils from Severalls area, Chesterwell development and Queen Boudica Primary School will travel by vehicle through the already congested North Station area

See appraisal

Detrimental impact upon residential amenities, visual impact and impact on area character

See appraisal

Increased crime due to link with New Braiswick Park will be detrimental to quality of life and result in increased police work; recommended that Police endorsed crime assessment be included in planning proposal (FOI will be lodged to ensure)

Essex Police Architecture crime prevention officer has been consulted - See appraisal

Pollution will dramatically increase and there will be an effect on resident's quality of life

See appraisal

Land between two houses too narrow for road and residents will get no peace

See appraisal

Human rights, health, safety and risk management implications

The report only concerns the determination of an application for planning permission. It does however take into account any equality implications in consideration of the details submitted with the application

### Policy/Procedure

Situation whereby Essex County Council (ECC) is applicant, seeking consent from ECC is a strange scenario.

Regulation 3 of the Town and Country Planning General Regulations 1992 permits Essex County Council to determine applications to which it has an amongst other matters a significant interest.

Concern that independent reports requested from the applicant are more akin to sales literature to promote scheme than independent consultation proposes.	Full statutory consultation has been undertaken as part of the application process
Appears reports produced to support application rather than consider its merit.	See above
Non-compliance with CBC policies	See appraisal
Non-compliance with regional policies	The Localism Act 2011 revoked regional policies
Non-compliance with various rights of children, human rights and rights of children with disabilities	See above
Proposed pedestrian/cycle access contrary to policy DP17	See above
Contrary to Development Management Policy DM15 as the increase of traffic would be severe	Development Management Policy DM15 does not form part of the CPA development plan for appraisal of this application – see appraisal
Contrary to DEFRA national Noise Policy Statement for England.	See appraisal
Contrary to the NPPF	See appraisal
Contrary to the Essex Design Guide 1973 and 2005	See appraisal
Not allocated school site within local plan	See appraisal
Development is outside the Colchester Borough Council – Local Development Framework (LDF)	See appraisal
Local Cllr confirmed that the land does not hold any notion within LDF	CBC has been consulted regarding site allocation - See appraisal
Public consultation a farce. Braiswick residents not consulted	See appraisal
Application for funding to Central Government stated that ECC had consulted with relevant bodies. This was false and misleading to Government	The application for funding was not part of the applicants submission – not a planning matter



ECC not correctly notified people of first public consultation on the 25 <sup>th</sup> November 2013. Properties adjacent to the site not notified	See appraisal
Significant changes in design layout from 9 <sup>th</sup> January consultation showing access solely from Apprentice Drive to the 27 <sup>th</sup> March consultation showing access from both Apprentice Drive and Fernlea. Final consultation gave residents only 14 days before formal submission of application to be rubber stamped	Submitted planning statement states that changes to the proposal were due to feedback from the public consultation - See appraisal
Information is missing in design and Access Statement regarding access, root protection zones, balancing ponds and flood risk potential	See appraisal
Various breaches of National, Regional and Local Planning Policy, potential breaches of the Human Rights Act and failure to comply with the Localism Act 2011	See appraisal
Non-compliance with Colchester Local plan documents; Core Strategy (Policy ENV1, Policy SD3), Site Allocations (Policy SD3) and Development Policies (Policy DP1)	See appraisal
County Council has not conducted subsidence investigation or respond to resident concerns; will hold County Council liable for any loss	See above
Non-compliance with Essex County Council public consultation policies	See appraisal
No planning involved in proposal; knee jerk reaction	The applicants undertook pre-application talks and a PiP regarding submission of their application – see appraisal
Consultation meeting showed original access from Apprentice Drive with few Fernlea objections. Following this consultation it was changed to Apprentice Drive and Fernlea. Despite strong objections following the March consultation the scheme has not changed	See appraisal
ECC Cllr attended a meeting with residents however, with greatest respect, appears A publicity exercise	County Planning Authority was not present at this meeting – No comment

Lack of transparency, such as the Community Use Agreement and agreement with Persimmon Homes

Matter for Colchester Borough Council - County Planning Authority were not involved with agreements

The Essex County Council have now deemed that the long term strategy to not build a school at Fernlea/ New Braiswick Park, to increase places at existing school and to build Queen Boudica Primary School was incorrect

See appraisal

Applicants request for a screening opinion on the current scheme in respect of a possible Environmental Impact Assessment (EIA) was made prior to the second public consultation exercise; Essex County Council has shown scant head/attached low importance to public consultation

The applicant submitted a screening opinion as part of their pre-application consultation. The County Planning Authority screened the proposal in accordance with the EIA Regulations 2011

Design team meeting minutes obtained under FOI have revealed issues which prompted the changes made after initial public consultation

County Planning Authority did not attend these meeting and remained impartial

The Design and Access Statement is not a true representation of Fernlea; the images utilised do not give a true representation of the area and provide a misguided impression of on-street parking, the terrain and the access route

The Highway Authority, Colchester Borough Council and Essex County Council Design Officers were consulted as part of the application – See appraisal

### Need

Appear three main drives behind current application firstly, funding, secondly need for additional primary school places and thirdly, land becoming available

Funding is not a planning consideration - See appraisal

Taking current figures of starts appears it will be six years before school would be full

See appraisal

Other proposed schools (Severalls and Chesterwell) would be constructed adding capacity. In addition some pupils within the catchment area may attend private schools

See appraisal

Only 16 pupils would come from Fernlea

See appraisal

Quote from ECC regarding forecast pupil

See appraisal

growth is unfounded and officer responsible for stating this has not been identified. If statement untrue ECC has mislead central government

ECC minutes of the 18<sup>th</sup> April confirm no need for a school in 2011 but situation changed in 2013

See appraisal

Driving force is the £4.2 million Government fund

Funding of the scheme is not a planning consideration – the County Planning Authority will assess the application on the consultation responses received and the merits of the information provided

Why during austerity spending £5.2 million on proposal which was meant to be covered by a neighbouring school built in 2007 to cover the NBP development

See above

Justification for school based on unsubstantiated increase beyond available GP figures in future

See appraisal

Rapid change in pupil numbers is due to the approval of the Chesterwell development

See appraisal

Local schools have been expanded in recent years to accommodate NBP development. Need for school accommodation questionable

See appraisal

Overriding factor for school is the Basic Targeted needs programme and the fact educational authority owns the land

See appraisal

Proposal being driven by time limit imposed on the central government grant not by appropriateness of its location or current needs

See above

Failure to properly plan New Braiswick Park should not be visited on the residents of Fernlea

Colchester Borough Council are the responsible authority for granted planning permission for the NBP development and site allocations through the CSA

Concerns regarding lack of need

See appraisal

No demand from Fernlea residents for school and unreasonable that they be affected by school development

See appraisal

By reviewing the history of New Braiswick Park and surrounding area it is evident that the local authority chose not to build a school on the site; assessment concluded that increased spaces at existing schools and new Queen Boudica Primary School sufficient	See above – See appraisal
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As it is an Academy money is the most important factor, so positions will be filled; future local children will not be able to attend	See above – See appraisal
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In north Colchester a record number of families seeking schools are being forced 4 miles away to Stanway and St Johns	See appraisal
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Queen Boudica Primary School is an example of a broken catchment; 70% of pupils come from all over Colchester and 50% of parents drive (as at 2009)	See appraisal
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Queen Boudica Primary School and Myland may be oversubscribed, but they are not catchment schools for New Braiswick Park, so cannot be used to justify building the school	See appraisal
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Disappointment at results of rescreening in respect of the possible requirement for EIA	See above
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### Location

Fernlea and New Braiswick Park are classified as LDF Predominantly residential Zones. As the applications sits outside the LDF Policies DP1, DP12, and DP13 are relevant. There is no DPD support (DP4) for the provision of new community facilities even should they be deemed to positively contribute to the local community	See appraisal
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Area prior to New Braiswick Park (NBP) was served by Mayland, Heathlands and North County Primary schools. Children being born in Fernlea Estate is static surely better to put new schools in new developments being created in District	See appraisal
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Cumulative development with respect to the	See appraisal
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creation of New Braiswick Park, the failure to expand on existing school places and the subsequent purchase and change in land use of white land that sits outside the Local Development plan to support the Chesterwell and Severalls developments

Understands need for school places however, does not believe current proposal is most sensible or fair option

See appraisal

ECC have purchased white policy land with no fear of policy objection from CBC

See above - See appraisal

Chesterwell Development approved in LDF and includes a school although no funding has been provided. Funding should be reallocated from the proposal for Chesterwell School

See appraisal

Location of school within the south of Chesterwell development would be better location. Infrastructure could be put in place now to improve southern area of Chesterwell development and provide greater access

See appraisal

Fernlea should be preserved as a good example of controlled design development in the 1970s; Fernlea one of only two built to Essex Design Plan

See appraisal

There are other new developments in the area that would be more suitable

See appraisal

Can the County Council point to a similar school built at the end of a cul-de-sac and where traffic is generated from outside the area?

Planning application are judged on their own merits

Insufficient surveying carried out considering former subsidence issues

See above

### Landscape/Design

Creation of an access between two existing properties cannot be achieved whilst adhering to Arboricultural requirements

See appraisal

Object to cutting back or removal of a Willow Tree within the boundary of a residential property

See appraisal

Concerns regarding electric sub-station upgrade	Utilities statement provided as part of the planning application submission – upgraded of the sub-station would be considered by the applicant and relevant utility body
Concerns regarding sewage capacity	See above
Early Years facility needs to be built at the same time to minimise construction disturbance and allow parents to take children to one facility	Should permission be granted the applicant I accordance with the Framework has 5 years to implement the proposal. The applicant is not seeking a phased approach to the proposal and it is anticipated that the proposal would be built in one phase
Removal of a tree within a residential property could kill the tree and should this occur impact those properties as root protection zone would become unstable	See appraisal
Proposed 1.8m high fence obtrusive and if not maintained would have a detrimental visual impact on the Fernlea cul-de-sac	See appraisal
School site covered by TPO. Proposal takes scant regard of this order	See appraisal
ECC deceptive with regard to identifying young Oak trees as scrub. These trees should not be felled	See appraisal
Road link against Secured by Design principles	See appraisal
No close boarded fences visible within Fernlea estate therefore, proposal is out of character	See appraisal
Construction Management Plan does not assess initial access for site construction via Fernlea. No method statements within Plan to show root protection zone for construction access. Must be in accordance with BS5837 – 2012	See appraisal
Overlooking properties will have view of open countryside blocked	See appraisal
Construction of road and walls between 40 and 57 Fernlea will affect trees and properties	See appraisal

## Other

Residents moving into New Braiswick Park accepted there would be no school within the development	Not a planning matter
Purchased property on the basis no school was to be developed on this parcel of land	See above
Price of house was more due to view	Not a planning matter
Told when purchasing house any development on application land would take at least 10 years. This is not true	No comment.
ECC officer lives within catchment area and championing the proposal. Should have stepped aside regarding scheme	See above – County Planning Authority impartial from Educational Authority

## Supporting representations:

<u>Observation</u>	<u>Comment</u>
Plans submitted appear to represent the best option for the estates and residents that are going to be affected	Noted - See appraisal
Hope new school will provide much needed centre for children, parents and others in community	See appraisal
The school is to service the local area and therefore responsibility for access should be shared	Noted - See appraisal.
Overall support for the proposed development given the shortage of primary schools in the area	See appraisal
The plans look ideal and there will be no traffic problems as most children attending the proposed school will walk from New Braiswick Park	Noted - See appraisal.
Fair to use both Apprentice Drive and Fernlea; allowing both estates access and	See appraisal

lowering impact of traffic to solely one estate

Entrance and exit via Apprentice Drive is not realistic as the road is not wide enough; for the purposes of road regulations, too narrow for current traffic volume

See appraisal

Junction of Vortex Road, Spindle Street and Breeze Lane will be used as car parks for drop-offs

Noted - See appraisal

Submitted plan has improved drop-off area, parking and separate staff parking

See appraisal

Recommends Early Years site as parking until construction commences

See appraisal

Desperate need for one-way system along Fan Avenue, Axial Drive and Apprentice Drive due to on-road residential parking; will also reduce risk to pedestrian and parked vehicles

See appraisal

No entry and no left turn signs needed at top of Fan Avenue

The Highway Authority has requested that should permission be granted a contribution be made for signage, painting of double yellow lines and monitoring within the Braiswick area - See appraisal

Consideration should be given to applying parking restrictions along affected roads

See above

Essential that decision makers take into account feedback from both sets of residents; sharing the burden of the additional traffic

See appraisal

Fernlea residents have been disproportionately represented at meetings

All representations will be taken into consideration

Fernlea residents have a not in my backyard mentality

Not a planning consideration

Object to plans changing back to access and exit via Apprentice Drive as; road is not wide enough, particularly for buses, vehicles larger than a 4X4 and rubbish trucks

Noted - See appraisal

Apprentice Drive would be gridlocked

See appraisal



Fernlea is preferred as an exit as it is wider, will have one way traffic, will result in less damage to infrastructure, reduce risk to children using parks on Apprentice, can accommodate larger vehicles and is a fairer solution

Noted - See appraisal

Access, layout and design of proposed new school look excellent

See appraisal

Request that permission includes condition that fence contractor contact all owners affected by fence

This is a private matter between the developer and landowners

Pleased that north east quadrant will be largely undisturbed

Noted

Attractive and suitable facility

Noted

## Appendix 2

Second Round Public Consultation representations received objecting to and supporting the proposal. These relate to planning issues, in summary, covering the following matters:

### Objection responses

<u>Observation</u>	<u>Comment</u>
Policy/Procedure Objections	
Proposal has been pushed through against the wishes of those members of the public it most affects	Application has been considered in accordance with National and Local Planning Policy and Procedures
Consultation has been conducted due to an obligation to do so; not true participatory decision making	See appraisal
Nothing of significance has been revised	The applicant submitted revised details in light of consultation response received - See appraisal
Failure to comply with local and national planning standards	See appraisal
Non-compliance with Colchester Borough Council Development Policies Core Strategy DP1, National Planning Policy Framework and Essex County Council public consultation policies	See appraisal
Objections have not been adequately responded to and strong concerns have been ignored.	Noted.
Information has been covered up and due process not adhered to	See above
Maladministration by Essex County Council has occurred	See above – The County Planning Authority has assessed the application in accordance with National and Local Planning Policy and Guidance
Amended documents do nothing to address the planning policy breaches identified	See appraisal
Design amendments are unprofessional and	The applicant submitted additional/amended

hurried and as a result breach more planning policies	information in light of consultation responses received. In light of this the County Planning Authority undertook a second round of public consultation to ensure no parties were at a disadvantage from the submitted amendment
Previous reasons for objections still apply due to the unchanged nature of the proposals	Noted
Complaint lodged against Colchester Borough Council that the views of the planning committee have been misrepresented to Essex County Council; grounds for injunction and judicial review	Colchester Borough Council is a consultee and has submitted a response to the County Planning Authority that the recommendation is a true reflection of the planning committee. Members of the Development and Regulation committee will assess the application on the merits of the information provided and responses received, one of which is Colchester Borough Council.
Due process for notification of members of the public has not been followed	The County Planning Authority has carried out public consultation in accordance with the adopted Statement of Community Involvement (2012)
Deliberate creating consultation fatigue by way of multiple consultations with substantially unchanged proposals	See above
Less responses to current round of consultation should not be taken as consent and request that all objections to-date are considered	Weighting is not applied in relation to amount of consultation responses received rather on material planning considerations
Disappointment that objections have not been taken on board or addressed	See appraisal
Application should not be considered as it is not supported by local community, does not comply with local or national planning policies and knowingly uses false data	See above - See appraisal
Re-submitted plans and documents still do not comply with the Colchester Local Development Framework, the ECC Development Management Plan, NPPF, DEFRA National Noise Policy Statement for England and the Essex Design Guide	See appraisal

Under Planning Regulations and BS5837(2012), a detailed construction plan of the Fernlea exit should have been produced at the time of the planning application	Highway Authority consulted as part of application – See appraisal
ECC continue not to listen to the considerable concerns of the residents	All representation response received raising material planning considerations will be taken into consideration in determination of the application
Recommend ECC Planning Committee listen to recording of the Colchester Borough Council Planning Committee meeting of 10 July 2014; as misinformation and slanted view of meeting was forwarded to ECC	See above
Deception and dishonesty by ECC; application continues to show areas of young oak trees as 'Existing Scrub'. Many young oak trees are not even shown on plans as 'Existing Scrub'	County Landscape and Tree officer consulted - See appraisal
Gaining funding through deceptive conduct; from which the developer is profiting	Not a planning consideration
Planning application is politically motivated to cover up admin and consultant errors and should be thoroughly investigated before any decision is made	See above
Concern that no Design Team meetings between 7 April and 1 August despite on-going consultation	See above
Impacts Human Rights; Article 1 and 8 of Human Rights Act	See appraisal
Proposals overwhelm the existing development; Colchester Borough Council – Special Guidance for Backlands Development	See appraisal

### Need

The claim that there is a need for this school does not mean that the school needs to be sited in this area	See appraisal
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## Principle of Development/Site Location

The school was supposed to be built in the approved statutory plan for the Chesterwell Northern Growth Area

See appraisal

Failure to respond to consequences if the probable expansion of the school to cope with pupils from the Chesterwell development; consequences for Fernlea and Apprentice Drive have been ignored

See appraisal

Apparent that there was an initial plan to locate the school of Colchester Northern Growth Area which would have met the concerns raised

See appraisal

Objections on the basis of the need for the school and the Traffic Assessment being incorrect; school should not be built at proposed site as there are no justifiable reasons for proposed site and more user-friendly sites available

See appraisal

Lack of consideration of alternative site

See appraisal

Complete failure to look at Fernlea as a unique development

See appraisal

## Impact Upon Amenity

Failure to consider adverse effect upon amenity of residents through noise, dust, air pollution and crime

See appraisal

Removal of proposed fences alongside Numbers 40 and 57 Fernlea gives direct vision into both properties; complete loss of privacy and increase in noise

A landscape scheme was submitted as part of the proposal which included provision of fencing along the Fernlea access – see appraisal

Noise mitigation has not been provided

See appraisal

## Design, Landscape, Trees and Ecological Impact

School do not want two storey building

See appraisal

Suggest wildlife area against boundary of

See appraisal

Fernlea to reduce school impacts on neighbours

The construction plan for the Fernlea junction is unbuildable; amendments to the exit plan in response to objections are in further breach of planning regulations and inconsistent with remainder of application

Highway Authority consulted as part of the application process - See appraisal

Continued questions as to the viability of the road link into Fernlea: retaining structure has not been detailed, water drainage has not been resolved and road and path uses will be impeded by existing trees

See above

No proof of mitigation measures in plans

See appraisal

With no proof that the road can be built, outside landownership, the application cannot proceed

Provided the correct notices have been served and the access is included within the application site boundary the County Planning Authority can assess the proposal. If the applicant does not own the land and unable to implement the permission this is a private matter

The proposals are unsafe to the residents of 57 Fernlea

See appraisal

Major detrimental impacts to be caused to existing residents, property and trees

See appraisal

Access/Exit between Numbers 40 and 57 Fernlea will have devastating affect and are in breach of British Standard BS 5387:2012, ECC's Arboricultural Impact Assessment Report and the Manufacturers Guidance for the use Cellular Confinement Systems for the Protection of Tree Roots

See appraisal

Exit proposal will result in damage and need to remove significant portions of trees

See appraisal

Note potential Conservation Area that could apply to Fernlea and the potential loss to both academia and residents; Essex Guide 1973

Fernlea has is not identified as a Conservation area within the CSA. Whether Fernlea would be identified as a conservation area would be assessed during the next review of the Colchester Local Plan

Highway Impact

Outdated information has been used to assess the suitability of the Fernlea exit	See appraisal
Second consultation revealed that access to the school has been vastly altered and completely revised	See appraisal
Pedestrian access/footpath from Fernlea to school will encourage parents to drop off pupils in Fernlea	See appraisal
Obvious that no consideration has been taken of the volume of objections regarding access from the school onto Fernlea	The Highway Authority has been consulted as part of the application and TA submitted by FRAG submitted to the HA for consideration when considering the proposal on Highway safety and capacity grounds
Similar access route has been put through an estate in another area; causing no end of problems	Each planning application is determined/assessed on its own merits
Making access road small does not alleviate concerns	See appraisal
Access changes will create even greater problems and accidents	See appraisal
Winter access impossible without 4x4	Highway Authority is responsible for maintenance and care of the public highway the Highway Authority have been consulted as part of the application submission
There are 6 houses exiting onto the Fernlea hammerhead; concerns for crossing pupils when reversing up steep drives with poor visibility	See appraisal
Transport Assessment is misleading and has been proven to contain false and misleading information; wrong junction	See appraisal
Report has not been fully updated to reflect corrected information; erroneous information retained in body of report	See appraisal
Applicant has not considered Scenario 1 of the Stillwell Transport Assessment; instead adding additional data to support existing conclusion	Highway Authority was provided with the FRAG TA when reaching their recommendation - See appraisal

School travel plan is window dressing	See appraisal
Unacceptable and massive impacts on highways and residents	See appraisal
414% increase in traffic at Fernlea junction is severe for the purposes of NPPF	See appraisal
Traffic Assessment based upon Tufnell Way before re-widening; recommendations based upon the capacity of the junctions not acceptable for a planning decision	See appraisal
Applicant admit that the maps used in the traffic assessment are years out of date	Highway Authority were consulted – See appraisal
Decision not to engage Stilwell to re-examine the updated report because it has changed so little, that the majority of the Stilwell assessment is still valid	Noted.
Photographs comparing Fernlea and Tufnell Way junctions show greater visibility at Tufnell Way	Highway Authority have been consulted – See appraisal
Highway safety and increased traffic generation issues	Highway Authority have been consulted – See appraisal
Failure to acknowledge and respond to issues relating to the foreseen future growth of the school which will have consequences for the current proposed access roads and adjoining properties	Highway Authority have been consulted – See appraisal
Paths on Fernlea need repairs	Maintenance of the public highway is the responsibility of the Highway Authority Applications must be determined on the information provided at the time of submission of the application. The County Planning Authority cannot pre-determine future developments
If the school expands, then further disruption will be felt wholly by Fernlea residents	
Access road should be classed type 3 Feeder Road; insufficient width for such a road	See appraisal

#### Public Consultation

Failure to consider and feed back to the	See above.
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community the reasons why you have not taken into account the local and borough council views

Misled by first consultation process

See appraisal

Comments regarding consultation during construction and between the residents and the school with regard to outside hours activities are meaningless and unenforceable

The applicant has submitted a SCI addressing all comments raised during their public consultation and sets out how these influenced the design of the scheme - See appraisal

Opposition went from 55% during first consultation to 72% during second consultation; contravention of the Localism Act

See appraisal

### Other Matters

Concerns raised by residents of Fernlea ignore; request balanced, equitable and transparent approach

See appraisal

Failure to consider reasoned objections

See appraisal

A legal challenge is to be mounted if objections are not formally considered and responded to

The County Planning Authority has summarised all response received and addressed objections raised within the appraisal section of this report. The CPA is content that all Planning procedures have been followed in accordance with legalisation

No material changes despite concerns

See above

Concerned that there have been no Design Team meetings after 07 April 2014

No pre-application meetings have been held since the 7<sup>th</sup> April 2014. The applicant has submitted their application on the basis of the information provided as part of those discussions and their PiP.

Colchester Borough Council shocked by access plans

Colchester Borough Council have been consulted – See appraisal

Previous objections still valid

Noted

Supporting representations:

### Observation

### Comment

We fully support the plans

Noted.