

Report to: DEVELOPMENT & REGULATION (28th February 2020)

Proposal: COUNTY COUNCIL DEVELOPMENT - Continuation of development of and use as a Primary School without compliance with conditions 2 (approved details) and 13 (Construction Management Plan) attached to planning permission ref CC/COL/35/19, to allow the use of Nuthatch Chase as a secondary construction access for a temporary time period.

Ref: CC/COL/10/20

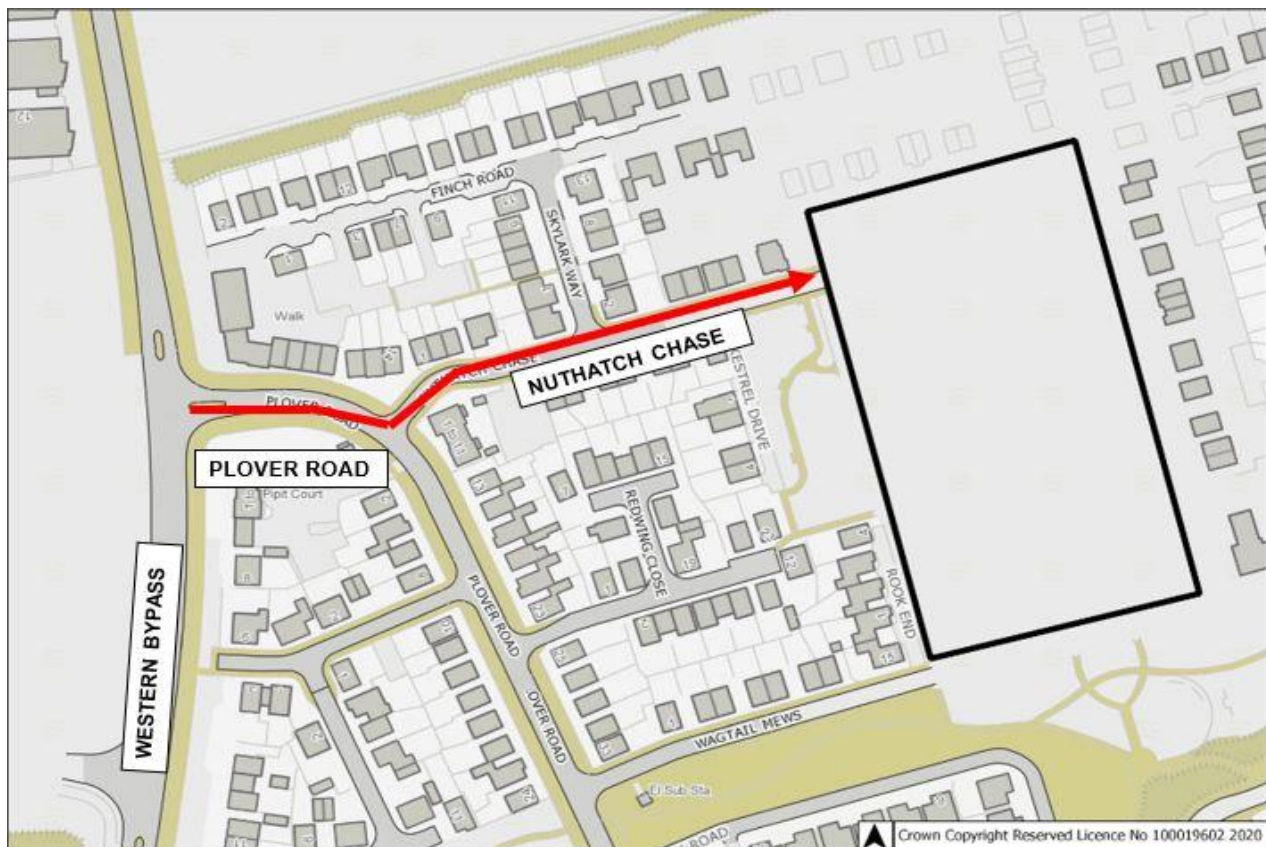
Applicant: Essex County Council

Location: Lakelands Primary School, Land off Wagtail Mews, Stanway, Colchester, CO3 8AL

Report author: Chief Planning Officer (County Planning and Major Development)

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The full application can be viewed at <https://planning.essex.gov.uk>



1. **BACKGROUND**

On 30th September 2019, planning permission ref CC/COL/35/19 was granted for:

‘Erection of 2-storey Primary School to accommodate 420 pupils (2-Form Entry), including outdoor play space, all-weather playing pitch, landscaping, cycle/scooter storage, staff parking and supporting infrastructure’.

Construction of the development formally commenced on 4th November 2019.

2. **SITE**

The 1.14ha application site is located in Stanway, Colchester, in a former gravel working. As such, prior to commencement of construction of the new school, it was bare ground, free of any trees or other features. It is south of London Road and Tollgate West, where a mix of retail, business and other light industrial units form Tollgate Business Park and Tollgate Shopping Centre.

The site forms part of the wider housing development in the area west of Tollgate Road. There are occupied properties to the adjacent west of the site in Rook End, together with an amenity area further towards the north of this boundary. Wagtail Mews, when completed, will form a highway, separating the application site from a central parkland area to the south. Christopher Garnett Chase will abut the eastern boundary and currently contains partially completed residential properties. To the north there will be residential properties (not yet built) between the school site and the existing retail area.

Additionally, since the approval of permission ref CC/COL/35/19, there are now occupied properties along Nut Hatch Chase to the north west.

3. **PROPOSAL**

Planning permission ref CC/COL/35/19 requires (via conditions 2 and 13) that a Construction Management Plan (CMP) is complied with. This CMP includes an approved route for construction vehicles to access the development via Wagtail Mews.

The developer now wishes to use Nuthatch Chase (which was not formed at the beginning of the scheme) for a temporary period of 12 weeks (from 3rd February 2020 to 24th April 2020) to construct the MUGA and natural grass pitches only. The main construction access would remain via Wagtail Mews.

As such, the application proposes to vary conditions 2 and 13 attached to the existing planning permission ref CC/COL/35/19.

Condition 13 is currently worded as follows:

‘The development hereby permitted shall take place in accordance with the submitted Construction Management Plan ref BC1851 Revision 2 by Barnes Construction dated September 2019.

Reason: In the interests of highway safety and to minimise impact on local amenity and for compliance with Colchester Development Plan Policies DP17 and DP1.'

Condition 2, in summary, requires compliance with the submitted documents, including the Construction Management Plan Revision 2, as per Condition 13.

4. **POLICIES**

The following policies of the Colchester Site Allocations, (CSA), Adopted October 2010, Colchester Development Policies DPD, Adopted 2010, as amended by the Focused Review, (CDP), July 2014, the Colchester Core Strategy, Adopted 2008, as amended by the Focused Review, (CCS), July 2014 and the emerging Colchester Borough Local Plan dated June 2017 provide the development plan framework for this application. The following policies are of relevance to this application:

Colchester Site Allocations, Adopted October 2010

Policy SA STA1 - Appropriate Uses within the Stanway Growth Area

Colchester Development Policies DPD, Adopted 2010, as amended by the Focused Review, July 2014

DP1 - Design and Amenity (Revised July 2014)
DP17 – Accessibility and Access

Colchester Core Strategy, Adopted 2008, as amended by the Focused Review, July 2014

SD1 – Sustainable Development (Revised July 2014)

Emerging Colchester Local Plan Publication Draft

SP1 – Presumption in Favour of Development
SP6 – Place Shaping Principles
DM15 – Design and Amenity

Due to the very limited weight that these policies hold (explained below), they have not been discussed in detail in the report.

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Colchester Local Plan is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

The emerging Colchester Local Plan (2017) has been submitted to the Secretary of State and the Examination in Public has commenced. The Inspector has made initial comments and emphasised that more work needs to be carried out before the plan can be found sound, and that more evidence is required.

Further examination hearings took place in January 2020 and the Inspector's report is awaited.

It is therefore considered that the emerging Plan holds limited weight in decision making.

5. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL – Any comments received will be reported.

HIGHWAY AUTHORITY – No comments to make, however has commented on the highway-related representations received.

STANWAY PARISH COUNCIL – Any comments received will be reported.

LOCAL MEMBER – COLCHESTER – Stanway and Pyefleet – Any comments received will be reported.

6. REPRESENTATIONS

40 properties were directly notified of the application. 6 letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Cala Homes previously caused parking obstructions and workmen were rude. Mud was tracked onto an adjacent private road and never cleaned.	This application does not control the wider residential development.
Nuthatch Chase is smaller/narrower than Wagtail Mews and its use would be chaotic.	The Highway Authority has not objected.
Diggers and deliveries along Nuthatch Chase have previously scratched cars and blocked access.	Noted; however this application has no control over previous/wider developments.
Unable to take a buggy down the road due to builders cars parked on the path.	Noted; however this application has no control over previous/wider developments.
Mud on the road has not and will not be cleaned even if this is committed to.	This application does not control the wider residential development.
Residents should have the right to enjoy their homes without extra disruption.	See appraisal.
As the road is busier now, it would be dangerous for large vehicles to use it with cars parked either side.	The Highway Authority has not objected.
Residents park badly along Nuthatch Chase as there are no parking restrictions. A petition is being started to implement yellow lines. Could restrictions be implemented on a temporary basis?	See appraisal.
The management company are preparing the road for block paving, which will cause more traffic.	The Highway Authority has stated that the roads are to be of asphalt construction. The Highway Authority has not objected.
Mud on the roads is hazardous	Noted; however this application has no

currently.

control over previous/wider developments.

Non-residents leave cars all day along Nuthatch and use the bus, causing an obstruction.

See appraisal.

7. APPRAISAL

The key issues for consideration are:

- A. Principle of and need for development
- B. Highway Impact
- C. Amenity Impact

A PRINCIPLE OF AND NEED FOR DEVELOPMENT

The principle of the development of a school on the application site has been established through the allocation of the site under CSA Policy SA STA1 (Appropriate uses within the Stanway Growth Area), which allocates the Stanway Growth Area for residential and employment uses. The Lakelands area forms part of an existing allocation. The supporting text notes that there is an existing S106 Agreement which requires provision of a primary school site.

Additionally, and as stated, there is an existing planning permission (ref CC/COL/35/19) in place for the provision of the school.

It is therefore considered that the development of a school on the application site is acceptable in principle, in accordance with CSA Policy SA STA1.

The use of an alternative construction access for a temporary period is acceptable in principle, subject to no unacceptable highway or amenity impacts, which are considered further in the report.

The applicant has put forward a need for the development based on the use of Nuthatch Chase as a secondary access for construction of the Multi Use Games Area (MUGA) and natural grass pitches to the rear of the school. Nuthatch Chase would be used for a period of 12 weeks and would enable the delivery of the MUGA and grass pitches simultaneously with the rest of the site, thereby reducing the overall construction time for the site.

In addition, the early establishment of the natural pitch would mean it would be well formed for the proposed opening of the school in September 2020. The earlier establishment of onsite drainage would manage rainwater collection on site.

It is accepted that use of the proposed secondary access would provide a logical access point for the areas at the rear of the site.

CDP Policy DP1 (Design and Amenity), in summary, requires

'All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic

and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities (which are stated to include vehicle movements) associated with them, will:...

- Protect existing residential amenity and create a safe environment, among other requirements.

CCS Policy SD1 (Sustainable Development), in summary, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The extent to which the proposals meet the requirement for sustainable development will be considered throughout the report.

B HIGHWAY IMPACT

CDP Policy DP17 (Accessibility and Access), in summary, requires:

'...Access to all development should 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 and/or the public rights of way network...'

As stated, the secondary access is proposed to be in use from the 3rd of February 2020 until 24th April 2020. It is anticipated that 25 muck away lorries and 40 materials in lorry deliveries would occur within this time.

The access route would be used only by traffic relating to the MUGA and grass pitches, all other contractors and workers would be expected to use the primary Access via Wagtail Mews, as already established in the original Construction Management Plan.

The revised Construction Management Plan commits to providing road sweepers to clear any debris on the road.

The Highway Authority has raised no objection to the proposals. Nuthatch Chase is a highway the same as Wagtail Mews, which should have no more highway safety implications if managed appropriately.

The Highway Authority has stated that the roads are unadopted and so parking restrictions would not be possible.

In this respect, the proposals are considered to comply with CDP Policies DP1 and DP17 and there is considered to be no highway related reason to refuse the use of Nuthatch Chase on a temporary basis.

C AMENITY IMPACT

As stated, CDP Policies DP1 and DP17, in summary, require no unacceptable or unreasonable harm to amenity.

It is accepted that the proposed use of Nuthatch Chase would introduce construction traffic into the area which was not anticipated when the original planning permission was granted.

However, the proposed use would be for a relatively short time period of 12 weeks. The proposed vehicle numbers would result in an average of 6 vehicles per week along Nuthatch Chase, which is not considered to be a significant amount.

The applicant has committed to road sweeping to ensure the highway is kept clear.

Whilst the concerns of residents regarding other contractors are noted, the proposals before the County Planning Authority have to be considered on their own merits.

It is considered that the proposed use of Nuthatch Chase as a secondary construction access for a temporary period would not have unacceptable impacts on the amenity of residents. There may also be slight benefits to residential amenity overall due to the ability to complete the whole school development more quickly. It is therefore considered that the proposals would comply with CDP Policies DP1 and DP17.

8. CONCLUSION

It is therefore considered that the proposed use of Nuthatch Chase as a construction access on a temporary (12 week) basis would have no unacceptable impacts on highway safety or amenity, in compliance with CDP Policies DP1 and DP17.

The development is considered to meet the environmental, social and economic strands of sustainable development as set out in the NPPF and as required by CDP Policy DP1 and CCS Policy SD1.

Overall, there are considered to be no planning reasons to refuse the application and Conditions 2 and 13 should be amended as proposed.

9. 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 carried out in accordance with the details submitted by way of application reference CC/COL/35/19 dated 11/06/19,

- Cover letters by Strutt & Parker dated 24/05/19 and 13/08/19;

- Emails from Strutt & Parker dated 09/08/19, 13/08/19, 03/09/19 and 10/09/19, from Applied Acoustic Design dated 13/08/19, from Barnes Construction dated 04/09/19, and from ECC Infrastructure Delivery dated 12/09/19;
- Planning Statement by Strutt & Parker dated May 2019;
- **Construction Management Plan ref BC1851 Revision 4 by Barnes Construction dated December 2019;**
- Climate Based Daylight Modelling by The Energy Practice dated 05/04/19;
- Health Impact Assessment by Strutt & Parker dated August 2019;
- Flood Risk Assessment V1.2 by Concertus dated 08/05/19;
- Framework Travel Plan ref JTP19163 by Journey Transport Planning dated May 2019;
- Transport Assessment ref JTP18_090 by Journey Transport Planning dated May 2019;
- Site Noise Survey, External Building Fabric & Ventilation Strategy, Acoustic Design Report ref 18405/001RevA/ha by Applied Acoustic Design dated 30/04/19;
- Foul Sewage and Utilities Assessment ref BC1831 by Barnes Construction (undated);
- Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19;

Together with drawings referenced:

- Proposed External Lighting ref 318083-TEP-DR-ZZ-00-E-3205 Rev P2 dated 21/03/19;
- Fence and Gate Layout ref 118216-CDP-DR-ZZ-XX-L-2001 Rev P5 dated 06/08/19;
- Relationship to Western Boundary Properties ref 118216-CDP-DR-ZZ-XX-A-2015-P4 dated 04/09/19;
- Location Plan ref 118216-CDP-DR-ZZ-XX-A-2001 Rev P5 dated Feb 2019;
- Proposed Sections ref 118216-CDP-DR-ZZ-XX-A-2005 Rev P2 dated 20/05/19;
- Proposed First Floor Plan ref 118216-CDP-DR-ZZ-01-A-2003 Rev P3 dated 23/05/19;
- Proposed Ground Floor Plan ref 118216-CDP-DR-ZZ-00-A-2003 Rev P3 dated 23/05/19;
- Proposed Materials ref 118216-CDP-DR-ZZ-XX-A-2007 Rev P1 dated 24/05/19;
- Drainage Plan ref 118216-CDP-DR-ZZ-B1-C-4001 Rev P3 dated 28/05/19;
- Drainage Details ref 118216-CDP-DR-ZZ-XX-C-6001 Rev P2 dated 28/05/19;
- Proposed Roof Plan ref 118216-CDP-DR-ZZ-R1-A-2003 Rev P6 dated 05/08/19;
- Proposed Elevations ref 118216-CDP-DR-ZZ-XX-A-2004 Rev P8 dated

06/08/19;

- Elevational Material Details ref 118216-CDP-DR-ZZ-XX-A-2014 Rev P3 dated 06/08/19;
- Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2006 Rev P4 dated 06/08/19;
- Cropped Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2016 Rev P2 dated 06/08/19;
- Proposed Structure Planting ref 118216-CDP-DR-ZZ-XX-L-6901 Rev P7 dated 06/08/19;
- Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19;
- External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19;
- Section Details Through Boundary ref 118216-CDP-DR-ZZ-XX-L-6015 Rev P2 dated 06/08/18;
- Illustrative Section Through Plant ref 118216-CDP-DR-ZZ-XX-L-6016 Rev P2 dated 06/08/19;
- Illustrative Section Through Planting Bed ref 118216-CDP-DR-ZZ-XX-L-6017 Rev P2 dated 06/08/19;

and the contents of the Design and Access Statement by Concertus dated 07/05/19

AS AMENDED BY

The details submitted by way of application reference CC/COL/10/20 dated 17th January 2020 and cover letter by Strutt and Parker dated 17th January 2020

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:

***Reason:** To ensure development is carried out in accordance with the approved plans and to comply with Colchester Site Allocations Policy SA STA1; Colchester Development Policies DPD Policies DP1, DP2, DP4, DP17, DP19, DP20, DP21 and DP25; and Colchester Core Strategy Policies SD1, SD2, SD3, UR2 and TA1.*

2. The Rating Level of noise emitted from the site's fixed plant at nearby residential premises, to be agreed in advance in writing with the County Planning Authority, shall not exceed the representative background sound levels, when assessed in accordance with BS 4142. Prior to beneficial occupation of the development hereby permitted, the applicant shall submit details of the fixed plant to demonstrate compliance with this requirement. As part of this, the applicant shall agree the Rating Level limits with the County Planning Authority.

***Reason:** In the interest of local amenity and for compliance with Colchester Development Policy DP1.*

3. No beneficial occupation of the development hereby permitted shall take place

unless a noise assessment to predict the noise impact of the proposed Hard Outdoor PE Court and Artificial Turf Pitch on nearby noise sensitive properties (to be agreed in advance in writing with the County Planning Authority), as well as mitigation measures if adverse impacts are found to occur, has been submitted to and approved in writing by the County Planning Authority. The noise assessment shall include details of the noise predictions and baseline noise conditions. The development shall thereafter take place in accordance with the approved details.

Reason: In the interest of local amenity and for compliance with Colchester Development Policy DP1.

4. The construction of the development hereby permitted shall not be carried out unless during the following times:

08:00 hours to 18:00 hours Monday to Friday
08:00 hours to 13:00 hours Saturdays

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

Reason: In the interests of limiting the effects of the construction phase of the development on local amenity, to control the impacts of the development and to comply with Colchester Development Plan Policy DP1.

5. The development hereby permitted shall be implemented in accordance with the lighting details approved on 11th February 2020 under condition 6 of planning permission CC/COL/35/19. The approved lighting details are set out in the application for approval of details reserved by condition dated 21st November 2019, drawing ref 318090-TEP-DR-ZZ-00-E-4207 Rev C3 dated 10/01/20 and email from Strutt and Parker dated 14th January 2020.

Reason: To minimise the nuisance and disturbances to neighbours and to comply with Colchester Development Plan Policy DP1.

6. The development hereby permitted shall be implemented in accordance with the dust minimisation scheme details approved on 7th November 2019 under condition 7 of planning permission CC/COL/35/19. The approved dust minimisation details are set out in the application for approval of details reserved by condition dated 08 October 2019, cover letter from Strutt&Parker dated 08 October 2019 and Construction Management Plan BC1851 Revision 3 dated October 2019.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Colchester Development Plan Policy DP1.

7. The development hereby permitted shall take place in accordance with the mitigation and enhancement measures contained in the Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife &

Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Colchester Development Plan Policy DP21.

8. Prior to the installation of a damp proof membrane, a Biodiversity Enhancement Strategy for Protected and Priority species, based on the measures outlined in Table 3 of the Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19, shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate plans;
- d) timetable for implementation
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.

The development shall be implemented in accordance with the approved strategy and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Colchester Development Plan Policy DP21.

9. The development hereby permitted shall be implemented in accordance with the materials details approved on 27th November 2019 under condition 10 of planning permission CC/COL/35/19. The approved materials details are set out in the application for approval of details reserved by condition dated 14th October 2019, Cover letter from Barnes Construction headed 'BC 1851 Lakelands Primary School, Stanway, Colchester External materials for Planning Application ref CC/COL/35/19', AS AMENDED BY Cover letter from Barnes Construction 'Replacement Mortar Sample' dated 22nd October 2019.

For clarity, the approved materials are as follows:

- External Brickwork – Cinder Grey supplied by The Bespoke Brick Company
- External Render – Permarock 1.5mm K-Finish finished colour Off White 50.
- External Render – Permarock 1.5mm K-Finish finished colour Bright Maroon.
- External Timber Cladding – European Larch Tongue and Groove STD-4.
- External Mortar – Cemex Black Light

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

10. The development hereby permitted shall be implemented in accordance with the window details approved on 17th December 2019 under condition 11 of planning permission CC/COL/35/19. The approved window details are set out in the application for approval of details reserved by condition dated 13th November 2019;
 - Cover letter from Strutt&Parker dated 13th November 2019;
 - Cover letter ref BC 1851 from Barnes Construction;

- Drawing ref 118216-CDP-DR-ZZ-XX-A-9002-P4 dated 12/11/19 (Proposed elevation key plan);
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9005-P2 dated 11/11/19 (W3/W4 – Proposed window details);
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9003-P2 dated 11/11/19 (W1 – Proposed window details);
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9004 P2 dated 11/11/19 (W2 – Proposed window details).

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

11. The development hereby permitted shall be implemented in accordance with the surface water drainage scheme details approved on 7th November 2019 under condition 12 of planning permission CC/COL/35/19. The approved surface water drainage scheme details are set out in the application for approval of details reserved by condition dated 18th October 2019 in respect of condition 12 of the above planning permission,
- Cover letter by Strutt&Parker dated 08/10/19;
 - Surface Water Strategy V1.0 dated 07/10/19 (including Appendices A-E) by Concertus
 - Drawing ref 118216-CDP-DR-ZZ-00-C-2001 Rev P1 dated 08/10/19: Flood Exceedance Plan;
 - Drawing ref 118216-CDP-DR-ZZ-B1-C-4001 Rev C1 dated 30/09/19: Drainage Plan 1/2;
 - Drawing ref 118216-CDP- DR-ZZ-B1-C-4002 Rev C1 dated 30/09/19: Drainage Plan 2/2;
 - Drawing ref 118216-CDP-DR-ZZ-XX-C-6001 Rev C1 dated 08/10/19: Drainage Details;
 - Drawing ref 118216-CDP-DR-ZZ-XX-C-6002 Rev C2 dated 04/10/19: Paving Details;
- As updated by:
- Email from Strutt&Parker dated 30/10/19;
 - 118216 Critical Event Drainage Calculations.

Reason: To minimise the risk of flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

12. **The development hereby permitted shall take place in accordance with the submitted Construction Management Plan ref BC1851 Revision 4 by Barnes Construction dated December 2019.**

Reason: To minimise the risk of flooding, in the interests of highway safety and to minimise impact on local amenity and for compliance with Colchester Development Plan Policies DP1, DP17 and DP20.

13. The development hereby permitted shall be implemented in accordance with the Maintenance Plan for Surface Water Drainage details approved on 17th December 2019 under condition 14 of planning permission CC/COL/35/19.

The approved Maintenance Plan for Surface Water Drainage details are set

out in the application for approval of details reserved by condition dated 10th December 2019;

- Lakelands Primary School Drainage Maintenance Plan 1/2;
- Lakelands Primary School Drainage Maintenance Plan 2/2 (ref 118216-CDP-DR-ZZ-B1-C-4002 C1);
- SuDS Maintenance Manual;
- Cover letter ref BC1851 from Barnes Construction Ltd.; and
- Letter from Strutt&Parker dated 10th December 2019.

Reason: To minimise the risk of flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

14. The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the County Planning Authority.

Reason: To minimise the risk of flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

15. No development shall take place beyond the installation of a damp proof membrane until a landscape scheme has been submitted to and approved in writing by the County Planning Authority.

The scheme shall include:

- details of areas to be planted with species, sizes, spacing, method of planting, protection, programme of implementation and maintenance schedule;
- provision for the relocation of the 'Quercus Robur' in the north west of the site as shown on drawing ref Proposed Structure Planting ref 118216-CDP-DR-ZZ-XX-L-6901 Rev P7 dated 06/08/19 to a position further south along the western boundary;
- Inclusion of larger trees on the southern boundary to match those used in the parkland to the south;
- provision for planting for screening purposes along the western boundary, as set out in condition 24.

The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 16 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Colchester Development Plan Policies DP21 and DP1.

16. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 15 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next

available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Colchester Development Plan Policies DP21 and DP1.

17. The development hereby permitted shall be implemented in accordance with the design and layout of the all weather pitch details approved on 18th December 2019 under condition 18 of planning permission CC/COL/35/19. The approved all weather pitch *details* are set out in the application for approval of details reserved by condition dated 2nd December 2019;

- Drainage calculations;
- Artificial Grass Pitch Design by Smith Construction dated 20/11/19;
- Cover letter by Strutt&Parker dated 2nd December 2019;
- Drawing ref 9687/GA/01 Rev A dated 19/11/19.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Colchester Development Plan Policy DP2.

18. The development hereby permitted shall be implemented in accordance with the playing field ground conditions details approved on 15th January 2020 under condition 19 of planning permission CC/COL/35/19. The approved playing field ground conditions details are set out in the application for approval of details reserved by condition dated 18th November 2019;

- Covering letter from Barnes Construction Ltd.;
- Report to Smith Construction Ltd – Feasibility Study - Ref O/001/SCLPS/1589/R/190919 Rev B dated 27/09/19 by PSD Agronomy;
- Smith Construction Natural Turf Pitch Specification dated 13/12/19;
- Program prepared by Inscapes.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Colchester Development Plan Policy DP2.

19. No beneficial occupation of the development hereby permitted shall take place unless the vehicle and pedestrian access arrangements as shown on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been fully completed.

Reason: In the interests of highway safety and for compliance with Colchester Development Plan Policy DP17.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular or pedestrian accesses on Wagtail Mews, as shown on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 unless they open inwards from the public highway towards the site and those serving a vehicular access shall be set back a minimum distance of 6 metres from the nearside edge of the Wagtail Mews carriageway.

Reason: *In the interests of highway safety and for compliance with Colchester Development Plan Policy DP17.*

21. The western façade of the main school building hereby permitted shall be positioned at least 12.9m from the façade of the residential properties on Rook End, as shown on drawing ref 118216-CDP-DR-ZZ-XX-A-2015-P4 dated 04/09/19.

Reason: *In the interests of residential amenity and for compliance with Colchester Development Plan Policy DP1.*

22. No beneficial occupation of the development hereby permitted shall take place unless full details of the school signage have been submitted to and approved in writing by the County Planning Authority. The details shall include the size, design, colour, materials and positioning of the signage to create a clear focal point for the main school entrance.

Reason: *To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.*

23. No development shall take place beyond the installation of a damp proof membrane unless a scheme for obscuring visibility of properties in Rook End has been submitted to and approved in writing by the County Planning Authority. The scheme shall include treatment of the most southerly first-floor window on the western elevation, as shown on drawing Proposed Elevations ref 118216-CDP-DR-ZZ-XX-A-2004 Rev P8 dated 06/08/19, and inclusion of planting for screening along the western boundary. The development shall take place thereafter in accordance with the approved details.

Reason: *In the interests of residential amenity and for compliance with Colchester Development Plan Policy DP1.*

24. No beneficial occupation of the development hereby permitted shall take place until details of covered cycle parking provision, as indicated on drawing ref Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been submitted to and approved in writing by the County Planning Authority. The details shall include the design, location and number of spaces for cycle parking to be provided prior to the beneficial occupation of the development hereby permitted and details of additional cycle spaces including the number, location, design and timeframe for implementation based on a specified methodology to identify any additional need. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

Reason: *In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with Colchester Development Plan Policy DP19.*

25. No beneficial occupation of the development hereby permitted shall take place until the parking areas indicated on plan Landscape Proposals ref 118216-

CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been laid out and clearly marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with Colchester Development Plan Policy DP19.

26. The bin store compound, as indicated on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19, shall not be erected until details of the design, height and location have been submitted to and approved in writing by the County Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

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

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) 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

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF,

as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

COLCHESTER - Stanway and Pyefleet