

**Appeal by Taylor Wimpey UK Limited
Land at Broadfields, Elmstead Road, Wivenhoe, Colchester, CO7 9SF**

Appeal Ref: APP/A1530/W/22/3305697

Agreed Suggested Conditions

(Policies still to be added to Reasons)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

Full lists as per Drawing Issue Sheet Rev F

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

Prior to Commencement

3. No works shall take place, including any land clearance, site preparation, groundworks or trial trenching until a Construction Method Statement (CMS) has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

A The CMS shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. suitable access and turning arrangements to the application site in connection with the construction of the development
- iii. hours of deliveries and hours of work;
- iv. loading and unloading of plant and materials;
- v. site office location and storage of plant and materials used in constructing the development;
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. Construction Dust Management Plan including wheel washing measures to control the emission of dust and dirt during construction including on the public highway; and
- viii. Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures
- ix. a scheme for recycling/disposing of waste resulting from construction works.

- x. routing and timing of construction traffic, to minimise impact on the local community; and
- xi. Details of a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution.

The Construction Method Statement should incorporate the Air Quality and Noise Assessments dated 21 March 2021.

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

Highways

- 4. Prior to commencement of the development precise route and details of a footway/cycleway to link the Broad Lane Sports Ground and the existing built-up part of Wivenhoe shall be submitted to and approved in writing by the Local Planning Authority. The approved footpath/cycleway shall be constructed and made available for use prior to the occupation of any dwelling.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 5. Prior to commencement of the development details of two bus stops to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The bus stops shall be constructed and made available for use prior to the occupation of the first dwelling.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport.

- 6. Prior to the commencement of development, details of improvements to Footpath 14 Wivenhoe between the proposal site and Colchester Road shall be submitted to and approved in writing by the Local Planning Authority. The approved improvements shall be carried out and completed prior to occupation of the dwellings.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

Biodiversity

- 7. No works shall take place, including any land clearance, site preparation, groundworks or trial trenching, until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

8. Prior to commencement of development a Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. The strategy shall include provision of offsite compensation measures.

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark nest plots;
- b) detailed methodology for the compensation measures e.g. Skylark nest plots must follow Agri-Environment Scheme option: ‘AB4 Skylark Plots’;
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years from completion of implementation

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

9. Prior to commencement of development a Biodiversity Mitigation and Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Mitigation and 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 maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to the occupation of any dwelling 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).

10. Prior to commencement of development, a scheme detailing the Biodiversity Net Gain (BNG) works and how the Biodiversity Net Gain works are to be delivered shall be submitted to and approved by the LPA. The scheme must set out the mitigation and enhancement measures to be carried out on the Site to deliver a positive net gain in biodiversity in accordance with the Biodiversity Metric 2.0 – Calculation Tool dated 25 March 2021. The scheme shall be implemented as approved. The development must not be occupied prior to a “BNG Certificate” (meaning a certificate issued to the Council by a suitably qualified ecologist) to confirm that the BNG Scheme has been correctly implemented has been submitted to and approved in writing by the Council.

Reason: In the interests of enhancing biodiversity and the character of the site and to ensure that the level of BNG that the application was assessed upon is delivered, in accordance with Policy ENV1 of the Colchester Local Plan and the National Planning Policy Framework.

11. Prior to commencement of development a Arboricultural Method Statement (AMS) shall be submitted and approved in writing by the local planning

authority. This shall accord with BS 5837 2012 and set out final details of all works in relation to existing trees, hedgerows (and associated watercourses) and include the following:

- Final details of all trees to be retained and any to be removed to facilitate the development and linkages
- Specification and alignment of all Tree Protection Fencing (Root Protection Zones RPZ) and barriers
- Tree and hedgerow schedule of pruning and management operations including phasing and timescales
- Details of any special engineering required to accommodate the protection of retained trees (e.g., in connection with foundations, footway/cycle route, bridging water features, surfacing)
- Details of the working methods to be employed for the installation of routes within the RPZs of retained trees in accordance with the principles of “No-Dig” construction.
- Details of tree protection measures for the landscaping phase of development.
- Auditable monitoring schedule of works

The approved fencing/RPZs shall be erected and be in place before any construction on site commences and shall be retained until the relevant part of the development is completed. Within the fenced areas, the following works shall not be carried out:

- levels shall not be raised or lowered;
- no roots shall be cut, trenches dug or soil removed;
- no vehicles shall be driven over the exclusion areas and;
- no materials or equipment shall be stored with any exclusion areas.

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the continuity of amenity and biodiversity value afforded by existing trees, hedgerows and watercourses.

Surface Water Drainage

12. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer’s application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local

Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Limit discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation and retained for the duration of the development.

Reason: To prevent surface water flooding and to mitigate any environmental harm that may be caused to the local water environment.

13. Yearly logs of maintenance shall be carried out and a record maintained in accordance with any approved Surface Water Drainage Maintenance Plan for the lifetime of the development. These must be available for inspection upon a request by the Local Planning Authority.

Reason To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Archaeology

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

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

- a. The programme and methodology of site investigation and recording.

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

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

Utilities

15. No works shall commence (above ground floor slab level) until details (including position) of all new plant, extract ducts, vents, grilles and meter housings have been submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of good design and visual amenity.

Prior to Slab Level/Construction of dwelling

Landscaping

16. No works shall take place above ground floor slab level until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority. The details shall include an implementation timetable and the works shall be carried out in accordance with the approved details prior to the occupation of any part of the development. The submitted landscape details shall be in full compliance with the Councils Landscape Guidance Note LIS/C and include:

- Finished levels or contours, where notable changes are proposed.
- Means of enclosure.

- Car parking layouts and other vehicle and pedestrian access and circulation areas.
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Retained historic landscape features and any proposals for restoration, including the reinforcement, reinstatement, renovation and gapping-up of all hedgerow enclosure to the site.
- Full details for the sports pitches
- Planting plans (drainage and building foundation detailing shall take account of the position of the trees as so indicated) to demonstrate at least 10% canopy cover increase.
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

EV Charging Points

17. Prior to the construction of any dwelling, a scheme shall be submitted to and approved in writing by the local planning authority detailing the provision of EV charging point infrastructure. The scheme shall provide 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated). No dwelling shall be occupied until the approved details related to that property are operational in accordance with the approved scheme.

Reason: To ensure the development is designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Materials To Be Agreed

18. No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

Boundary Treatments

19. Prior to their installation precise details of all boundary treatments shall have been submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

Prior to Occupation

Highways

20. No occupation of the development shall take place until the vehicular and pedestrian access off Richard Avenue as shown on the approved planning application drawing (Reference?) has been constructed and made available to adoptable standard.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.

21. Prior to occupation of any dwelling, a Residential Travel Plan and details of Residential Travel Information Packs shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be carried out as approved and the Residential Travel Information Packs shall be distributed on first occupation of each dwelling.

Reason: To encourage the use of more sustainable forms of transport than the private motor car.

Ecology/Landscape

22. Prior to occupation of any dwelling, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed in public areas (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No additional public external lighting shall be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

23.A Landscape and Ecological Management Plan (LEMP) for the Wivenhoe Cross Pits LoWS shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of any dwelling. The LEMP shall include provision for habitat , enhancement and management during the lifetime of the development hereby permitted and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

24. Prior to the first occupation of the development, a Landscape and Ecological Management Plan (LEMP) detailing long term design objectives, operations and management responsibilities for all open space and landscape areas other than small, privately owned, domestic gardens shall be submitted to and

agreed, in writing, by the Local Planning Authority. The plan should identify all measures needed to manage the open space landscape and the biodiversity enhancement measures included. The LEMP shall thereafter be carried out as approved at all times.

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

Solar Panels

25. Prior to occupation of any of the dwellings, a scheme shall be submitted to and approved in writing by the Local Planning Authority providing details of the position and type of solar PV panels to be installed on the dwelling. No dwellings may be occupied until the PV's are installed and are in full working order.

Reason: To facilitate the move to lower carbon homes which is encouraged by the Wivenhoe Neighbourhood Plan.

Street Signs

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

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

Details of Cycle Storage

27. No occupation shall take place on any part of the development until details of the cycle parking provision shown on Plan TW027-PL09 Rev C have been submitted to and agreed, in writing, by the Local Planning Authority. The submitted scheme shall also show cycle parking to serve the new sports pitches. The agreed cycle parking provision shall be provided before the occupation of any dwelling to which it relates and prior to the use of the football fields.

Reason: There is insufficient detail shown to ensure that there is satisfactory cycle parking available at the site at the time that it becomes occupied.

Compliance

Highways

28. Due to traffic congestion, no construction deliveries to or from the site shall take place during the peak traffic hours from 07:30 – 09:00am or from 16:00 – 18:30pm on weekdays, via Clingoe Hill. Alternative routes should be used.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the existing levels of traffic already reaching high peak levels during these times.

Hours of Work

29. No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

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

Bonfires

30. No bonfires are permitted during the site clearance or construction phase.

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

Site Waste Management Plan

31. No material shall be transported off site until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved plan.

Reason: To ensure the sustainable management of construction waste. The SWMP would be expected to present a site wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction and operation, establish strategic forecasts in relation to expected waste arisings for construction, include waste reduction/recycling/diversion targets, and monitor against these, advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area.

Ecology

32. All existing trees and hedgerows within the site shall be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they

shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works shall be carried out in accordance with BS 3998.

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

33. All Ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (SES, March 2021), Biodiversity Net Gain Calculation (SES, n.d.) and the Information to Support Habitats Regulations Assessment (SES, March 2021) submitted with the planning application.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Unexpected Contamination

34. In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason – The site lies on or in the vicinity of where there is the possibility of contamination.

The above conditions are considered to be reasonable and necessary and are agreed by the appellants.

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Signed on behalf of Taylor Wimpey UK Limited