

AMENDMENT SHEET

Planning Committee
17 March 2016

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

- 7.1 152826 – Land to east of Warren lane and west of Dyers Road, Stanway

Archaeological Officer

The Archaeological Officer has advised that the submitted geophysical survey is adequate and that there are now no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

A condition is recommended regarding a programme of archaeological work which is to be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority.

The Archaeological Officer has also advised that he will, on request of the applicant, provide a brief for the archaeological investigation. In this case, further trial-trenching will be required in advance of development. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Highway Authority

The Highway Authority has advised that they have no objection to this application subject to conditions to cover (1) the submission of a construction management plan and (2) prevent occupation of the development until the following have been provided or completed:

- a) The realignment and reconstruction of the Stanway Western Bypass/Warren Lane roundabout to provide a fourth arm as access to the proposal site as shown in principle on the planning application drawings

- b) A spine road between the Stanway Western Bypass/Warren Lane roundabout and the proposal site's north boundary (west of Dyers Road) as shown in principle on the planning application drawings
- c) A bell mouth access off Warren Lane to the north of the Stanway Western bypass/Warren Lane roundabout as shown in principle on the planning application drawings
- d) A minimum 3.5 metre wide footway/cycleway alongside the Warren Lane carriageway between the fourth arm mentioned above and the proposal site boundary which abuts property known as 'Streamlines'
- e) A minimum 3.5 metre wide footway/cycleway alongside the Warren Lane carriageway between the fourth arm mentioned above and the bell mouth access also mentioned above
- f) A turning head/entrance to a pedestrian/cycle link into the proposal site in Dyers Road
- g) Two bus stops on the spine road mentioned above (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- h) Residential Travel Information Packs

7.2 160224 – Colchester Sports & Social Club, Bromley Road, Colchester

Additional Representation

The following representation has been received from the Bromley Road Dental Surgery.

"The surgery is adjacent to the area of planned housing and thus may be considered to be reasonably affected by any changes. However, I would submit that the plans do not appear to reduce the number of full size football pitches and, indeed, improve the facilities generally on this site. It would also potentially improve parking that is currently borne by the surgery during school drop off and pick up and would again be a beneficial change from my view.

Equally importantly, the site has been affected by caravans that have caused significant disruption to the community. I would consider the plans to realistically remove any future risk of caravan encampments occurring that would provide many of the local inhabitants with peace of mind.

In summary, I feel that the proposal is in keeping with its surroundings and, overall, would prove beneficial both in terms of aesthetically improving the area as well as provision of improved facilities."

Planning Agent

Following the publication of the committee report the agent has provided the following commentary:

“Paragraph 16.11 of the report advises Members that the training pitch is not used. The agent has clarified this point stating that the training area is not marked with white lines and to his knowledge has never been used as a mini-pitch; only for training purposes.

The agent has also confirmed that following the grant of planning permission the football club will continue to use the pitches to the end of the current season. Following conclusion of the club fixtures the two pitches will be repositioned in the manner shown on the layout plan that accompanies the planning application. The ground works required to achieve the repositioning are comparatively minor and will be carried in full during the close season and will available for the start of the new league season.”

Regarding the proposed s106 agreement, the agent has made the following points:

“Since the existing pitches are fit for playing pitch purposes the intention is that the repositioning will maintain their current condition. It is not intended to reconstruct the playing surfaces. Accordingly, any definition of ‘specification’ within the s106 needs to reflect this.

On the third bullet point [18.1(ii) in the Committee Report] it should refer to ‘the repositioning of the pitches shall be undertaken by Dishland’ and not ‘the new pitches’.”

Tree Officer

The Tree Officer has advised that he is generally OK with the amended proposals / updated arboricultural impact assessment; however he has highlighted potential long term conflicts between buildings/people and a couple of the retained trees. Conditions have been recommended to ensure that the retained trees are appropriately protected / monitored during the course of construction.

7.3/7.4 – Severalls Hospital, Boxted Road, Colchester

Typographical corrections:

- The summary recommendation should read: It is recommended that subject to the outstanding issues highlighted in this report that the Head of Service be authorised under delegated powers to grant reserved matter planning approval (152733) / full planning permission (152794) subject to the outlined condition heads.

- Paragraph 1.1 – the late call-in was received 26 February 2016 not 26 March 2106.
- Paragraph 15.48 should refer to Category U and not Category R
- The Ecology and Biodiversity Section should refer to EECOS not ECCOS

Additional Representations:

Cllr Goss has made the following additional observations:

Can electric car charging points be included in this development please?

Can a footpath entrance/exit be included in the design near the David Lloyd Fitness centre to the development please as currently there is no direct link?

The following additional consultation responses have been received in respect of the additional / amended information:

Lead Local Flood Authority

LLFA has confirmed that the runoff rates and allowance for urban creep are acceptable and have clarified that the acceptance of the Lasoo figures for Urban Creep is only allowable for this site given the constraints.

The LLFA has also advised that there is no treatment being provided since the pond is offline (i.e. water will only flow into it in the extreme event) and it is the first flush of any rainfall event that is the most polluted, and high traffic roads are required to encounter two treatment stages. Since runoff is into the sewers and Anglian Water is happy with the proposed drainage strategy, the risk sits with them should silt wash straight through the on-site sewers into the NAR sewer. Anglian Water will need to provide suitable treatment within their system to ensure it does not cause pollution at its final destination.

Essex Ecology Services (EECOS)

EECOS has provided the LPA with the following advice:

- The level of bat survey effort completed across the site is not sufficient to provide a complete baseline level of information (which is acknowledged in the ecological assessment).
- Given the results obtained so far, the proposed mitigation appears to be adequate provided that details of construction, location and timing in relation to the phasing of the development are satisfactory. There remains a possibility that the forthcoming additional bat survey work could provide information that changes this situation
- The proposals to retain and enhance tunnel sections as hibernation sites are welcomed.

- Insufficient consideration has been given to the reported presence of Barbastelle. This species is known to use roosts in trees for breeding and is known to hibernate in underground structures. The presence of any roost would be of at least County value and require specific mitigation measures that would not be covered by existing proposals.
- Current guidance on planning is clear that all information about protected species that may be material to the determination of an application should be available before a decision is reached and that survey work should only be conditioned in exceptional circumstances. Should these surveys be conditioned, the conditions should specify that the results of those surveys be made available and used to influence the ongoing design and construction of the development.

Birds

- The breeding bird survey is sub optimal having been made at the end of the breeding season. It however is unlikely that (apart from Barn Owl) the site supports any species of significant conservation value or that would require specific mitigation.
- Two Barn Owl boxes are proposed. One is shown positioned adjacent to a LEAP location and the other is within a woodland area, suggesting that neither is likely to be used. The plan suggests that very little suitable habitat will remain within the development boundary and so on site mitigation would not appear to be worthwhile. It is suggested that mitigation could be provided on a strategic basis by support of the Essex Barn Owl Conservation Project.
- Enhancement of the site for breeding birds should be included within the mitigation plans, specifically the inclusion of nesting opportunities in the fabric of the new buildings. These should be specifically targeted for species of conservation concern associated with urban areas, such as Swifts, House Martins, House Sparrows and Starlings.

Invertebrates

- An invertebrate survey is based upon a single visit in August 2015. Although this would be inadequate in some circumstances the assessment of likely value is considered accurate. Further survey work is not justified.

Species of Principal Importance in England

- The ecological features scoped in to the assessment do not include Species of Principal Importance in England, for example Hedgehog, Harvest Mouse and various invertebrates, which means that impacts are not considered and there is no scope for mitigation, compensation or enhancement to support these species.
- There is insufficient detail in the survey information to enable the discharge of condition 44. An Ecological Management Plan is

proposed within the report but this needs to be submitted to enable the discharge of this condition.

- The mitigation, as outlined within the report appears to be adequate in principle. Should consent be granted, it is recommended that the links between ecology, SUDS and the Lighting Plan need to be clear within any planning conditions to ensure that suggested benefits to wildlife are achieved.

Natural England

Additional comments have been received from Natural England and these are summarised as follow:

- Natural England has confirmed that they have no objection regarding statutory designated sites, such as Sites of Special Scientific Interest (SSSI) and that their comments are limited in scope to bats only.
- It is clear from the submitted information that surveys for bats are incomplete, and that further survey work is required in order to fully inform an assessment of impacts and the mitigation required. Whilst it is clearly preferable (and consistent with planning policy) for a planning decision to be informed by all necessary information, we have been mindful of a number of factors which make a case for exceptional circumstances whereby the remaining programme of bat surveys is secured by a suitably worded planning condition. We recognise that this is ultimately at the discretion of the planning authority as the decision maker.
- Natural England has carefully considered the survey data currently available, the data gaps, and the proposed bat mitigation strategy. Overall, we are satisfied that the mitigation proposed for impacts to bats is broadly adequate, and on the basis of the information available to us at this point, we can confirm that a licence would in principle be granted for development (subject to detail). Furthermore, we are satisfied that the mitigation proposed will be provided in-step with development impacts, such that there will be no net loss of bat roosting provision at any phase of development.
- Natural England do not object to the proposed development, subject to a suitably worded planning condition which seeks to achieve the remaining required bat surveys and updated bat mitigation and enhancement strategy.

Officer Comment: Condition 44 attached to the outline planning permission requires mitigation measures (including methodology, timescale for completion and long term maintenance and monitoring plan) in respect of bats, barn owls and wax cap fungi to be submitted to and approved by the Local Planning Authority . The wording of the condition suggested by Natural England is not dissimilar to the outline planning condition and would therefore effectively duplicates the existing condition.

Urban Design Officer

Comments from the Urban Design Officer on the amended scheme are set out below:

- Significant concerns were previously expressed on the original application submission; the revised proposals show improvements.
- The layouts and outline building forms in the Core Character Area are generally in accordance with the masterplan and historic precedent, being relatively urban, formal and generally well considered.
- The masterplan suggests the Surrounds should be more informal and landscape based. Whilst the layout is generally well considered there is an over reliance on standard detached houses, a lack of incidental street greenery such as verges and excessively engineered street designs which create a suburban character.
- The parkland space is mostly retained in accordance with the masterplan. The masterplan concept of pedestrianizing key edges of parkland is reasonably delivered, except at the northeast corner of the kidney.
- Parcel E might be conditioned to require receipt of conclusive environmental evidence that a frontage facing approach to the Northern Approach cannot be achieved, noting this would provide a more interesting and self-policed street.
- House type elevations are much improved, though this revision process appears incomplete. Key plots and all house type elevations might therefore be conditioned.
- Conditions are also suggested covering boundary lines, landscape works, communal parking courts, key details and materials.

Landscape Officer

The comments from the Landscape Officer are summarised as follows:

“The submitted the Heritage Statement ref 2175, Landscape Strategy detailed under drawing CSA/2753/101 rev A, Play & Recreation Strategy detailed under drawing CSA/2753/101 rev A, the Framework Landscape Management Plan report CSA/2753/01 and the Landscape Scheme report CSA/2753/02 would appear broadly satisfactory.

The Landscape Officer has however requested a number of relatively minor revisions to these documents, which he states can be addressed via condition.

Subject to these revisions the Landscape Officer has advised that he is satisfied that the proposed overall design, retention of woodland areas, retained areas of parkland, retained footway network and landscape design generally respects the historic character of the listed landscape.”

Affordable Housing Development Officer

The Affordable Housing Development Officer has confirmed the following:

“Affordable housing mix is in accordance with the Property Size Targets set in the Strategic Housing Market Assessment (SHMA) 2013. House sizes the consortium has confirmed that the bedroom sizes are as requested to match the proportions i.e. 3 bed 5 person and 2 bed 4 person.

Accessible bungalow standard, the consortium have confirm it will be in accordance with the agreed standard set out in the S106

Location matters have now been resolved

Tenure split has been delivered in accordance with our SHMA”

7.5 160103 – Former Bus Depot, Magdalen Street, Colchester

The applicant, Victoria Hall Management, has requested a Management Plan for an existing site is circulated to members, please see attachment.

The description was revised during the consideration of the application and should refer to 17 studios and 59 cluster flats, paragraph 4.2 should also be amended (the number of bed spaces is not affected)

Condition 2 drawings numbers amended (red text)The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing AFM1512 PL-10-SITE, AFM1512 PL-10-00 rev C, AFM1512 PL-10-01, AFM1512 PL-10-02, AFM1512 PL-10-03, AFM1512 PL-10-BASE, AFM1512 PL-10- ROOF, AFM1512 PL-20-A-100, AFM1512 PL-20-B-101, AFM1512 PL-20-C-102, AFM1512

PL-20-C-103, AFM1512 PL-20 -D-104 AFM1512 PL-20-E-105, AFM1512 PL-30-01, AFM1512 PL-40-SS-01, AFM1512 PL-40-SS-02 AFM1512 PL-40-SS-03, AFM1512 PL-50-A-01, AFM1512 PL-50-B-02, AFM1512 PL-50-C-03 AFM1512 PL-50-D-04, AFM1512 PL-50-E-05, AFM1512 PL-50-ST-100, AFM1512 PL-50-ST-01 AFM1512 EX-10-01, AFM1512 EX-50-02, AFM1512 EX-50-03, AFM1512 EX-40-04, **AFM1512PL-30-01** and LANDP001 rev)3.

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

A minor rewording of conditions 3, 5, 6, 7, 17, 29 and 32 to allow demolition to take place prior to the condition being discharged

A minor rewording of condition 19 so that details of the insulation to the gym is required prior to the commencement of the relevant part of the development.

Essex County Council Flood & Water Management Planning & Environment Team has considered the revised report and whilst some matters have been overcome they still maintain their objection. The recommendation is therefore amended.

17.0 Recommendation

17.1 APPROVE subject to Essex County Council Flood & Water Management Planning & Environment Team removing their objection to the proposed development and subject to the signing of a legal agreement

Any conditions recommended by Essex County Council Flood & Water Management Planning & Environment Team will be imposed.

7.6 151886 - Land adjacent North and South of Grange Road, Tiptree

1) Clarifications:

i) Landscape Matters: The Landscape Planner has reviewed the revised scheme and has commented as follows:

‘I am broadly satisfied with the landscape proposals submitted under drawing no. NC13.112_201 rev E, 202 rev E, 203 rev F, 204 rev E, 205 rev E, 206 rev E, 207 rev G, 208 rev E, 209 rev A and 13.112-LSPEC-001C, all lodged on 29.02.16, with the following proviso:

- The Community Services Manager is satisfied and in agreement with the design of the adoptable allotments area of the site from a landscape management point of view.’

Our Community Services Manager has requested various minor changes which the applicant’s Landscape Consultant has confirmed to be acceptable.

ii) Highways Matters: The applicant has agreed to extend the adoptable land to the site boundary to allow access to the western land which has Outline residential Planning Permission. They have also agreed / confirmed they will include the cycle path outside the red-line boundary connecting to Harrington Close within the S38. They do not propose to amend the northern eastern corner of the northern parcel to include a footpath stating: 'this is not needed for the current development. Any future development could arrange for this to be installed if needed for their development.'

Your Officer concurs with this approach.

iii) Drainage: This matter has now been satisfied with the discharge of condition 20 of the Outline permission 122134.

2) Amendment: Some of the two storey properties are shown to have pantiles. This is not acceptable and an additional condition requiring these to be plain-tiles shall be inserted into the decision notice.

3) Corrections:

i) Paragraph 12.2 of the Committee report refers to the allotments as being in the northern section. They are, in fact, in the southern section.

ii) Corrected drawing references:

110 Rev S (not Rev U), 111 Rev Y (not Rev X), 201, 207 – 215, 217, 219 and 220 should all be Rev P1. The relevant condition will be changed accordingly.