

AMENDMENT SHEET

Planning Committee

7 September 2017

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 170424 – Colchester and East England Co-op, Long Wyre Street, Colchester

1. For clarification, the legal agreement referred to in the Officer recommendation at section 17.0 of the report shall seek to secure the following:

- 2 No. affordable residential units; and
- £20,000 towards public realm improvements at St Nicholas Square

Notwithstanding section 14.0 of the report, Units 1 and 2 will be provided as affordable rented accommodation with the precise details of the management of these units being agreed in consultation with the Council's Affordable Housing Officer. If the management of these units cannot be agreed, the application will be referred back to the Planning Committee.

2. A revised proposed first-floor plan has been received which corrects a drawing error. Condition 2 'Development to Accord with Approved Drawings' is therefore amended to read the following:

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

Location Plan 6239-1101

Existing Basement Floor Plan 6239-1201

Existing Ground Floor Plan 6239-1202

Existing First Floor Plan 6239-1204

Existing Second Floor Plan 6239-1206

Existing Roof Plan 6239-1208

Ground Floor Proposed Plan 6239-1203-Rev H

First Floor Proposed Plan 6239-1205- Rev J

Second Floor Proposed Plan 6239-1207-Rev I

Proposed Roof Plan 6239-1209-Rev E

Existing and proposed Long Wyre Street Elevation 6239/1301 Rev G

Existing and Proposed Elevations 2, 3 and 4 6239/1302 Rev J

Except where details area expressly excluded in the conditions below.

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

7.2 171779 – The Former Garrison Gym, Circular Road South, Colchester

Further to the submission of the committee report, the applicant has provided amended details showing the layout of the car park. In view of this, it is recommended that condition 10 is amended to read as follows:

No building or use hereby permitted shall be occupied or the use commenced until the parking spaces shown on drawing COR313406 Rev A has been made available to the users of this development. The vehicle parking area (including areas for the turning for motor cars) shall be retained as shown on drawing no. COR313406 Rev A at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of this development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

There is a typographical error in condition 11. This condition should read as follows:

No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall comprise immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use, targets, monitoring and review details, remedial measures and arrangements for the appointment of a Travel Plan Coordinator. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan details to the satisfaction of the Local Planning Authority.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

7.3 171944 – Castle Park, Colchester

Two further letters of representation have been received in respect of this application. The concerns raised relate to the potential for the event to cause noise and disturbance and problems associated with anti-social behaviour.

Historic England has also advised that they have now recommended that scheduled monument consent be granted subject to the conditions for the erection of a temporary Halloween themed event within the grounds of Colchester Castle.

7.6 171870 – The Waldens, Lexden Road, West Bergholt

Tree Officer advised that Tree Protection needs to be conditioned

Additional Conditions

Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then 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 agreed to shall be carried out in accordance with BS 3998.

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

7.7 171964 – Colchester Mercury Theatre, Balcerne Passage, Colchester

The recommendation was missing ecology conditions in response to the EECOS survey submitted covering protected species surveying to date. There are several species of protected bats known to be spotted near to the site, as well as some protected birds and potential for hedgehog disturbance. The following condition is therefore suggested to be added to any approval:

Z00 – Ecological Strategy

No works shall take place until a strategy for the effective prevention, monitoring and/or mitigation of any harm to bats, birds, and hedgehogs (or other protected species subsequently found on site) has been submitted to and approved, in writing, by the Local Planning Authority. The scheme will include details of any previous surveys already undertaken within the last 12 months, as well as proposed monitoring by an identified and suitably qualified ecological consultant who will be employed to be available on site during any relevant demolition or construction works that have potential risk to any species evidenced or thought likely to be present at the site. The strategy shall also detail prevention measures, and procedures to be followed in the event that any protected species is later found, as well as any proposed mitigative or compensatory habitat measures. The works shall then proceed strictly in accordance with the agreed strategy, and in line with legal requirements for protected species, at all times thereafter.

Reason: Although so far not evidenced, there is a medium potential for bats to be present on the site, as well as potential for nesting birds and hedgehogs that have not been adequately explored in line with best practice to date, and therefore need additional surveying or monitoring during the works to ensure that there is no risk of death or injury to protected species, particularly from the demolition of Mercury House and those affected parts of the adjacent roof disturbed by the development, and trees and vegetation that may be disturbed by physical works, movements, or noise from construction.