

# **AMENDMENT SHEET**

**Planning Committee  
20 October 2016**

## **AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED**

7.1 160906 – Land adjoining Church of All Saints, London Road, Great Horkesley

(A) Update in response to matters raised by Ward Councillor Christopher Arnold

1. Amendments to conditions:

- 'small' to be deleted from condition 14.
- Condition 27 change to read "any lighting within the development site".

2. Para 17.2 Revision to terms:

- for the contribution relating to the church of All Saints to include upgrading of services in addition to items of repair. This will allow investment in facilities to enhance its potential as a community asset;
- Transfer of parking area to include right of vehicular and pedestrian access to the church and parking area to be transferred;
- Additional further contribution of £4K to Great Horkesley Parish Council to be used in connection with maintenance of parish footpath network (previously agreed by applicants)

(B) Additional Condition to require details of management company to be submitted and agreed in relation to public areas within the site; including the meadow to the south of the church.

7.3 161296 – Jacks, 5 St Nicholas Street, Colchester

1. One letter of comment from a Colchester resident has been received, which reads as follows:

‘The noise report does not adequately address the risk of low frequency sound from the adjacent pub. Specifying a wall in terms of a weighted level difference based on a measured dBA value is risky. Live music produces significant levels below 500Hz. The assessment should use the IOA guidance on noise from pubs and clubs. This proposal could lead to a potential nuisance if not properly assessed.’

2. The Council’s Archaeological Adviser has made the following comments:

This proposal is located in an area of high archaeological importance, defined in the Colchester Historic Environment Record (HER), within the centre of the historic settlement, close to the site of the Roman Temple of Claudius, which later became the Medieval Castle, and adjacent to the site of St Nicholas’s Church. There is high potential for encountering important Roman and medieval occupation remains at this location, which has not been the subject of previous intensive modern redevelopment and/or previous systematic archaeological investigation. Any groundworks relating to the proposed development have the potential to damage any archaeological deposits that exist.

Further to my previous advice of 21<sup>st</sup> September, I am now satisfied that the archaeological investigation can be adequately dealt with by condition – subject to agreement of a foundation design that minimises the ground disturbance (and therefore impact on buried archaeological remains) across the site.

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.

The following archaeological condition is recommended:

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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

I will, on request of the applicant, provide a brief for the archaeological investigation. In this case, trial-trenching will be required in advance of development. Decisions on the need for any further archaeological investigation, as well as the detailed foundation design (and finalisation of pile locations), will be made on the basis of the results of the evaluation. I would strongly advise that the evaluation is undertaken at the earliest opportunity.

***Informative on Archaeology:***

*PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:*

<http://www.colchester.gov.uk>

**REVISED OFFICER RECOMMENDATION**

Subject to the submission of a satisfactory scheme of vibration attenuation, in consultation with the Council's Environmental Protection team, the Head of Service be authorised under delegated powers to grant planning permission subject to the conditions in the committee report and any conditions subsequently recommended by the aforementioned consultee as necessary, as well as the additional conditions below

**Historic Building Recording**

No works shall take place until a programme of historic building recording and analysis has been undertaken and a detailed record of the building has been made by a competent person or body approved by the Local Planning Authority. The recording of the building shall be in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for inspection and recording of matters of historical importance associated with the site, which may be lost in the course of works.

**Foundation Design**

No works shall commence until a foundation design (to minimise ground disturbance) has been submitted to and agreed, in writing, by the Local Planning Authority. The foundations shall then be undertaken in accordance with the approved design.

Reason: To minimise the impact upon archaeological assets within the approved development boundary.

**Archaeological Site Investigation**

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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

#### 7.4 161668 – The Philip Morant School, Rembrandt Way, Colchester

Further to details given at section 8.12 of the report, the Council's Arboriculture Officer has reviewed the submitted tree survey and found it to be acceptable. The following conditions have been recommended and would be attached to any decision notice.

##### **ZFQ - Tree and Natural Feature Protection: Protected Areas**

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall 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.

##### **ZFS - Tree and Hedgerow Protection: General**

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) 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, by 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.

##### **ZFT - Tree and Hedgerow Protection: General**

Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The

development shall then be carried out strictly in accordance with the approved method statement.

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

### **ZFU - Tree Canopy Hand Excavation**

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

## **7.6 161543 – Town and Country Lighting Ltd., 61-65 North Station Road, Colchester**

Dr Jess Tipper has requested the following condition:

Prior to the commencement of any works, a programme of historic building recording and analysis shall have been undertaken and a detailed record of the building shall have been made by a competent person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for inspection and recording of matters of historical importance associated with the site, which may be lost in the course of works.

A further representation has been received:

I wish to raise the following concerns on the above planning request:

This does not appear to be the works of a site that has not yet been granted planning permission 2. I believe the lane behind the properties in Albert Street belong to the residents. We have received no request, RAMs, Method Statement etc. access our land for the construction of scaffolding which has restricted access to our properties.

*In response: The works currently being carried out are in relation to the previous approval that is detailed in the report. The ownership of land is not a planning matter. The applicants are responsible for arranging access onto neighbouring land if need be but this is a civil matter.*

## 7.7 161584 – Land adj to Coronilla, Little Horkesley Road, Wormingford

A very detailed response to the applicants Planning Statement has been received from one of the neighbours. The full text is on the website.

In summary:

- There has been a deliberate will to mislead the LPA and neighbours by the applicant.
- The applicant asked the builders to move the building back - it was not an OS base drafting error.
- We cannot believe that the applicants and their employed agents made errors at drafting stage which begs the question – was this house designed for this plot of land?
- We did not object to the application that was previously approved for a smaller dwelling.
- The plans have been drawn to justify the dwelling as built.
- There is no proof that the new plan is based on any OS map.
- The accurate topographical survey has been paid for by the applicants which is not impartial.
- Why does the planning statement say 'approximately' when they have paid for an accurate survey?
- We do not agree that there is no adverse impact on the neighbours.
- The reality of living next to the incorrectly located property is the car turning area is now next to our dining room which puts cars next to our living accommodation. The rear now projects further than approved which means we will suffer from overlooking and light pollution.
- The use of the world re-aligned is wrong as that indicates something that aligned before.
- The scheme is harmful to the street scene, the rhythm of existing development and the AONB.
- The ridge height is not lower than approved it is taller.
- The design has always been objected to.
- Our dwelling has lost a greater degree of privacy.
- The minor changes to fenestration mean more glass which means more overlooking.
- The dwelling dwarfs others in the vicinity.
- The dwelling blocks out the sun.
- The OS have confirmed to us that the OS base dates back to the 1930's and it should have been very clear that the Coronilla of the 1930 is very different to the Coronilla of 2016 and this was very obvious to all.
- Therefore the OS base error was just an excuse to move the dwelling back at the very start of the build.

- The applicants purposely drew the ridge line lower with the intention of building it height to enable a planning approval.
- We totally disagree with most of the Planning Statement.
- An enforcement notice should be served.