

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
3 November 2011 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

9. Amendment Sheet

45 - 51

See Amendment Sheet attached.

AMENDMENT SHEET

**Planning Committee
3 November 2011**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED

7.1 111641 – Perrywood Nurseries, Kelvedon Road, Tiptree

Amended drawings numbers C0660-20F and 21H received. These show that the new office building is to be clad in black timber weatherboarding or equivalent fibre cement material.

Condition 2 - Amend to refer to drawings 20F and 21H

Condition 3 – After weatherboarding insert ‘or equivalent fibre cement boarding’.

7.2 110926 – International Farm Camp, Hall Road, Tiptree

The Contaminated Land Officer has provided the following comments on the submitted Desk Top Report:-

“This report is acceptable for Environmental Control purposes. It has highlighted some potential pollutant linkages for the proposed use and has recommended some additional intrusive investigations and a full asbestos survey. However, with the proposed additional risk assessment and remediation (where indicated), it would appear that the site could be made suitable for use, and therefore the further works could be conditioned (full suite of contamination conditions), should permission be granted for this application”.

The following conditions should be included:-

- 23 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions as listed below, have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 27 has been complied with in relation to that contamination.

24. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and the Essex Contaminated Land Consortium's *'Land Affected by Contamination: Technical Guidance for Applicants and Developers'*.

25. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

26. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 24 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 25 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 26 "Implementation of Approved Remediation .

27. Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 25 "Submission of Remediation Scheme" above.

Reason (common to all):

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Other matters

Paragraph 13.23 - This should refer to Community facilities not Education facilities.

Informative 5 - This should refer to a 'dedication' rather than an Order.

Paragraph 15.0

Recommendation: Delete the third bullet point and insert the following:-

- A requirement that the works to the new International Farm Camp, as approved under the permission 100684, where these works are to be specified within the agreement, together with the works forming the associated permission 102600 for the communal building, are to be carried out and completed prior to the occupation of the 6th dwellinghouse.

The Development Team (DT) has noted a recommendation that £1.3 million capital receipt from this scheme will be reinvested in the development of facilities at the Farm Camp, a commitment which will be recorded in the Unilateral Undertaking, and that it is acceptable in planning terms for this amount to be considered as an enabling cost in the viability appraisal. As such the DT's requirement for a 35% Affordable Housing contribution as per policy would have to be withdrawn.

Additional conditions:

28. The site access realignment should be carried out and completed prior to the occupation of any dwelling hereby approved.

Reason: In the interests of highway safety

- 29. No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from flooding.

Informative 6:-

Add: 'The works required under condition 28 will require a highway works agreement with Essex County Council'.

7.3 111741 – 6 Ponders Road, Fordham

As mentioned in the Committee report, your Officer has been discussing some minor design amendments and an improved palette of materials.

Fully worded conditions are as follows:

1. A1.5 Full Perms (time limit for commencement of Development)

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

Reason: In order to comply with Section 91 (10 and (20 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. C3.1 (Materials)

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: The application has insufficient detail for approval to be given to the external materials; and to ensure that the development does not prejudice the appearance of the locality.

3. A7.4 – Removal of ALL Perm Devel Rights (residential)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenity of the area, to protect the amenity of adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development.

4. Non Standard Condition

No new windows shall be added above ground floor level on the rear wall or roofslope of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

5. Non Standard Condition

With the exception of the following condition, the development hereby approved shall comply in all respects with the submitted layout drawing 1062-2 and submitted elevations received 12th September 2011.

Reason: For the avoidance of doubt as to the scope of this consent.

6. Non Standard Condition

Prior to the commencement of development, the applicant shall submit amended drawings along the lines of that submitted on 25th October 2011. Such drawings shall be agreed in writing by the Local Planning Authority and the development shall be implemented as such.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of the visual amenity of the area.

7. Non Standard Condition

Parking to the adopted standards (namely two spaces per dwelling, and to standard size) shall be provided at all times.

Reason: To avoid nuisance parking in the lane.

8. C11.14 – Tree/Shrub Planting

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority 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.

Reason: In order to ensure that a sensitive planting scheme is in place on the boundary to the lane.

9. C3.21 – Hard Surfacing

Prior to the commencement of the development hereby permitted details of all materials to be used for hard surfaced areas within the site including [roads/driveways/car parking areas/courtyards/etc] shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of the visual amenity of the area.

10. Non Standard Condition

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

11. Non Standard Condition

Prior to the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

Informatives

1 - PLEASE NOTE: The developer is referred to the attached advisory note 'Advisory Notes for the Control of Pollution during Construction & Demolition Works' for the avoidance of pollution during demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

2. The developer is advised that this Planning permission does not override any issues regarding rights of access and passage over the lane should such issues arise.

7.4 111725 – 13 Park Road, Colchester

Withdrawn from Committee so that up-to-date information regarding the Arboricultural Impact Assessment can be supplied.

To come back to Committee at a future date.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
3 November 2011 at 6:00pm**

SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items