

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
6 August 2009 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

11. Amendment Sheet

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AMENDMENT SHEET

Planning Committee
6 August 2009

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

7.2 090738 – Copford Green, Copford

Revised Conditions and Informatives

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 (1) and (2) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

In Barn 2 there shall be no amplified sound, with the exception of a single standard domestic CD player.

Reason: In the interests of residential amenity

Noise levels at boundaries to be at acceptable levels.

Reason: In the interests of residential amenity.

Class sizes in Barn 2 for the authorised use as a drama studio shall not exceed ten persons.

Reason: In the interests of residential amenity

Hours of use of the drama studio hereby permitted shall be restricted to: 09:30 – 22:00 Monday to Saturday, and there shall be no use on Sundays and Bank Holidays.

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

Prior to the commencement of development, the applicant shall submit a scheme of boundary treatment to the Local Planning Authority, which shall be agreed in writing. This shall be implemented prior to occupation of the dwelling hereby approved, or the use of drama studio hereby permitted, whichever comes first, and shall remain as such at all times.

Reason: In the interests of visual and residential amenity.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), or freestanding buildings erected on any part of the site or an access/hard standings created without the prior written permission of the local planning authority.

Reason: In the interests of visual and residential amenity.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be placed in any of the buildings hereby permitted, other than those allowed under this permission, without the prior written permission of the local planning authority.

Reason: In the interests of residential amenity.

Barn 2 shall be for the stated purpose only – namely a drama studio – and for no other purpose within use class D1 or any other use class.

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

No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the local planning authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: In the interests of residential amenity.

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: To ensure an appropriate visual amenity in the local area.

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: In the interests of visual amenity on this Listed Building and other buildings in this Conservation Area.

The new external boarding to the buildings hereby approved shall be feather-edged black tarred/painted weatherboarding.

Reason: In the interests of residential amenity on this Listed Building and other buildings in this Conservation Area.

All new rainwater goods shall be of cast iron, or cast aluminium and painted [black] unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity on this Listed Building and other buildings in this Conservation Area.

The drama studio hereby approved shall not be sold separately from the dwelling hereby approved.

Reason: For avoidance of doubt as to the scope of this permission and to avoid multiple-ownership on this site.

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,**
- archaeological 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'*.

Reason: 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

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.

Reason: 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

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.

Reason: 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.

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 18 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19 "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 20 "Implementation of Approved Remediation Scheme".

Reason: 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

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 19 "Submission of Remediation Scheme" above.

Reason: 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.

Informatives

- 1) 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 the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.**
- 2) Prior to any works commencing, the exact nature of the Highway boundaries in the vicinity of the development site shall be agreed in site by the Highway Authority.**

- 3) **All works affecting the Highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made initially by telephone on (01206) 838696 or by email on www.highways.eastarea@essex.gov.uk**
- 4) **The applicants are reminded that planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the *Circular 06/2005*. Please forward a copy of the decision notice to Colchester Borough Council at the above address.**

The Highway Authority has no objection to the proposal subject to the following conditions:

It shall be ensured that no one other than owners of the main barn shall operate the proposed drama studio.

Reason: The drama studio is entirely dependent upon access through the entire site for the parking and turning of service vehicles.

Prior to commencement of the proposed development, loading, off-loading and manoeuvring facilities, the details of which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that the adjoining highway is not obstructed by servicing activity, in the interests of highway safety.

Prior to commencement of the proposed development, a vehicular turning facility, of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

No unbound materials shall be used in the surface treatment of the proposed vehicular access 6m. from the back of highway.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

The public's rights and ease of passage over Public Footpath No 7 Copford shall be maintained free and unobstructed at all times. Reason: To ensure the continued safe passage of pedestrians on the definitive right of way in accordance with Policy 3.5 in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member Decision dated 19. October 2007.

No works in connection with the proposed development shall commence until such time as the existing footway has been widened from the vehicular access for the Shire Barn southeastwards towards the Village Green VG242 (no works can take place on the Finally Registered Village Green). The footway is to be a 2m wide where feasible, tapering down both ends to tie in with the existing footways. This is to be provided entirely at the Applicant's expense.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development

INFORMATIVE

This condition requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in section 278 of the Highways Act 1980.

7.5 090822 – 47 Belle Vue Road, Wivenhoe

ECC Highways have confirmed that they have no further comments on this application and their original conditions are still satisfactory.

7.7 090834 – 26 North Hill, Colchester

The Highway Authority has now responded, and requests conditions relating to lighting and headroom.

The first of these is not relevant, as no lighting is proposed to be permitted under this application, the second is of relevance.

The proposed new condition is as follows:

"The proposed sign shall afford a minimum headroom above the footway/verge of 2.3 metres.

Reason: To ensure the unimpeded passage of pedestrians and cyclists in the interests of highway safety."

Informative:

Any sign over any part of the highway maintainable at public expense requires a licence under section 178 of the Highways Act 1980 which will incur a charge of £725.00. The Highway Authority reserves the right under Section 152 of the Highways Act 1980 to remove or alter any sign overhanging the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway.

7.8 090668 – Fishponds Field, Shop Lane, East Mersea

The wording of condition 2 could be construed as unambiguous in the use of the word "development" as it is not intended to apply to the ménage and fencing, therefore it is suggested that "approved development" be changed to "approved stable block extensions".

An additional condition is also proposed to ensure that the rubber surfacing is appropriately coloured to blend into the wider setting. This is suggested as follows:

"Prior to the commencement of any development details of the finished surface materials to be used in the ménage area, including any rubber strip size and colour ranges, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained solely in accordance with the approved details.

Reason: To ensure that the rubber surfacing mentioned within the application is of a suitable size and colour to blend into its rural setting in the most appropriate manner, where there is insufficient detail within the submitted application."

7.10 090700 – 3 Church Street, Colchester

Additional Conditions:

Prior to the commencement of development, a detailed survey identifying any original fabric/features and assessment shall be carried out on the existing recessed windows at the rear of the original building and submitted to the local planning authority. If original features/fabric of these windows are found then a scheme of restoration and preservation will be submitted to and agreed in writing by the Local Planning Authority. The scheme of restoration and preservation shall be implemented prior to the commencement of the use of the building and retained thereafter.

Reason: To ensure that the important internal features of this Listed Building are not adversely affected.

Notwithstanding the detail in drawing No. 10515-5, the door as shown repositioned to the first floor lounge shall remain in its current position unless full details and assessment of the fabric of the building being lost has been submitted to and agreed as acceptable in writing by the Local Planning Authority.

Reason: To ensure that the important internal features of this Listed Building are not adversely affected.

Additional drawings that show details of proposed alterations to the stair case to be used, by section and elevation, at a scale of 1:20 or 1:50 as appropriate, shall be submitted to and approved by the local planning authority in writing, prior to commencement of any works. The development shall be implemented in accordance with the approved additional drawings and completed prior to the first use of the building as a restaurant.

Reason: To ensure the use of appropriate detailing to this listed building.

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SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items