

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

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

9. Amendment Sheet

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AMENDMENT SHEET

**Planning Committee
20 August 2009**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

7.2 090498 – Avon Way House, Avon Way, Colchester

Members are advised that as Blocks A and B have been removed from the application proposal, the description of the development is amended to read as follows:

'81 new student bedrooms in 20 flats. Each room has its own en-suite and each flat has a shared kitchen/dining room. The new development is split into 4 separate blocks C,D,E and F.'

Furthermore, given the proposed reduction in accommodation the open space contribution is also revised accordingly. The figure payable under the amended scheme is £53 460.

The following further comment has been received from the applicant company with regard to car parking control:

'With regards to car parking, as part of our proposals our intention is to fully 'gate' the site to manage access. I also reiterate the point that a restrictive covenant within each tenancy agreement will restrict students from bringing vehicles to Avon Way altogether unless they have a prior agreed space.'

An additional comment has been received from the Highway Authority with regard to the pedestrian crossing at Clingoe Hill:

'I did not request a contribution to pedestrian crossing facilities as a pedestrian crossing across Clingoe Hill has already been secured as part of the new traffic signal controlled junction to the Research Park. It is my understanding that the development at the research park is becoming active again.'

The cycle/pedestrian links I have secured direct pedestrians onto Salary Brook and to use the subway. I know some of the students do have some personal security issues over the link but it has been improved in recent months. Further improvements are planned which should assist the flooding issues at certain times of the year.

I could have taken a contribution from the developers to improve the pedestrian crossings at Greenstead roundabout. However significant changes are planned at the junction in the medium term but the detail of these measures and the timescale is not clear. Therefore I do not believe that I could have justified a contribution. Due to the nature of Greenstead roundabout, measures cannot be introduced in a piecemeal fashion and therefore I did not consider a standalone scheme. I should make clear that a crossing on Clingoe Hill which is 'stand alone' would not be supported on safety grounds due to the speed of traffic.

Travel Packs were sought for each new student to promote sustainable modes of transport and new pedestrian/cycle links provided to link with the existing cycle link.'

7.3 090800 – Villa 7, Turner Village, Turner Road, Colchester

In addition to the conditions previously included in the report, the Arboricultural Planning Officer has asked for one additional condition as set out below:

"The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development occurs in a satisfactory manner that protects the adjacent tree."

7.4 090829 – Glance Lodge, De Vere Lane, Wivenhoe

Since the time of the report, the chair of Wivenhoe Town Council's planning committee has informed us that the report has answered all of WTC's objections. The Town Council have confirmed that no representative will attend tonight's meeting.

A desk top study exploring contamination at the site has now been completed, this found that further work is necessary. The following supplementary conditions are therefore required:

Site Characterisation

Prior to the commencement of development, an investigation and risk assessment, must be submitted to and approved, in writing, by the Local Planning Authority 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 investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report 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'* and 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).

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 safely without unacceptable risks to workers, neighbours and other offsite receptors."

Submission of Remediation Scheme

Prior to the commencement of development 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, shall be submitted to and approved, in writing, by 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 safely without unacceptable risks to workers, neighbours and other offsite receptors.

Implementation of Approved Remediation Scheme

Prior to the commencement of development, the remediation scheme that will have been approved in writing by the Local Planning Authority shall be carried out in accordance with its terms, 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 safely without unacceptable risks to workers, neighbours and other offsite receptors.

Reporting of Unexpected Contamination

In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared 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 also subject to the approval in writing of the Local Planning Authority and 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'*. Where remediation is necessary, 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 submitted for 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. The approved remediation scheme shall then be carried out in accordance with its terms prior to the commencement of development, 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 shall be submitted to and approved, in writing, by 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 safely without unacceptable risks to workers, neighbours and other offsite receptors.

Validation Certificate

Prior to the first occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed.

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 safely without unacceptable risks to workers, neighbours and other offsite receptors.

7.5 090874 – North Lane, Marks Tey

The applicants have agreed to vary the application to reduce the period for continued use of the site as car parking from 3 years to 18 months. This is half the period sought in the application and 6 months more than was recommended in the Officers' report.

This is an acceptable compromise and Condition 1 is therefore amended to read as follows:

“The use of the site as a car park shall be limited to a period terminating on 28 February 2011, and the use hereby permitted shall be discontinued and the land reinstated to a tidy condition on or before the expiration of the period specified in this condition.”

7.6 090880 – St Johns Walk, Colchester

The item has been withdrawn from the agenda for consideration of late representations and for clarification on legal and planning policy issues.

7.8 090811 – Church Lane, Little Tey

The applicants have indicated that the smaller bund comprises spoil removed as part of the road works to improve access along Church Lane. The retention of that bund is not sought and is scheduled to be removed during the coming weeks. They have also confirmed that approved landscaping works (hedge and tree planting) along the Church Lane frontage is to be carried out during the next planting season later this year.

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Part B

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There are no Section B Items