

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
27 September 2012 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

9. Amendment Sheet

30 - 34

See Amendment Sheet attached.

AMENDMENT SHEET

Planning Committee
27 September 2012

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

7.1 121290 – Colnebank House, 30 St Peters Street, Colchester

1) Correction

Condition 28 should read:

‘Prior to the commencement of development, details of a watching brief to be carried out by a suitably qualified archaeologist during construction works shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with these agreed details.

In the event that significant archaeological features or remains are discovered which are beyond the scope of the watching brief and require a fuller rescue excavation, the construction work shall cease immediately and shall not recommence until a revised programme of archaeological work including a scheme of investigation has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: Whilst the site was evaluated in September 2009, this did not extend to the entire site and there may be archaeological remains which require evaluation.’

2) Cycle Loan Scheme

The applicants have indicated that they consider the free of charge cycle loan scheme to be unnecessary and unreasonable. The following message has been received:

‘There is no SPD to support the request and I can find no other example of another hotel development being asked to provide similar, including the Grey Friars hotel which was granted permission recently.

I am also aware that a scheme is to be rolled out in Colchester by the end of the year where people can hire a bike once a deposit has been paid, similar to the Boris bikes in London. If a guest decided they wanted to hire a bike then they would be able to.

By not having bikes for hire on site does not make the proposals unacceptable.

On this basis, I trust that the free cycle loan scheme can be omitted from the s106.'

OFFICER'S RESPONSE: It is correct that cycle hire was not requested for the town centre boutique hotel Grey Friars. It was, however, requested for the River Lodge proposal at Preliminary Enquiry stage earlier this year.

It is correct that there is no SPD to support the request, but our Core Strategy policy TA2 states:

'The Council will work with partners to promote walking and cycling as an integral and highly sustainable means of transport. Regional and rural links, including national cycle routes, will be improved and better connected with local destinations. The design and construction of facilities and infrastructure will be improved to make walking and cycling more attractive, direct and safe.

Quality and convenient pedestrian crossings will be promoted to facilitate safe and direct movement across busy roads. Walking and cycling improvements will be focused on centres, schools, workplaces, and public transport interchanges. In particular, the Council will seek to provide excellent walking and cycling connections into and through the Town Centre.

Development shall contribute towards these connections and quality cycle parking where appropriate.'

It is proposed that the scheme be agreed by condition rather than under the terms of the Section 106 agreement. If the applicants are successful with this application and wish to appeal the condition they may do so, however it is hoped that they will accept it.

New Condition 30 to read:

'Prior to the occupation of the development hereby approved, the applicants shall submit, in writing, details of a free cycle hire scheme, for up to four bicycles, to the satisfaction of the Local Planning Authority. Such a scheme shall be in place at all times during the use of the site as a hotel.

Reason: To encourage and facilitate green forms of travel for visitors to Colchester.

3) Arboriculture

More information was requested and the applicants replied as follows:

'Further to your email forwarding the Arboriculturist's comments. There will be no works to the footpath at the rear of the site. There are bedrooms on the upper floors adjacent to T2. The proposed use is a hotel where occupation of the rooms will be short stay and unlikely to bring pressure to reduce the crown of T2. The accompanying sketch landscaping scheme shows the works which will take place in the south-west corner of the site. The Council have already proposed that a detailed landscaping be agreed by the Council, how this is implemented could also be agreed. Connections will be made to existing services.'

The Arboricultural Officer has agreed to this approach, and has requested the following conditions:

'31) 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.

32) 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.

33) *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.

34) *No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 33 has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:*

- a. Induction and personnel awareness of arboricultural matters*
- b. Identification of individual responsibilities and key personnel*
- c. Statement of delegated powers*
- d. Timing and methods of site visiting and record keeping, including updates (usually monthly in a written format)*
- e. Procedures for dealing with variations and incidents.*
- f. The scheme of supervision shall be carried out as agreed.*
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.*

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

Corrections:

i) The updated Humberts report of 2009 did in fact mention Colne Bank House, and concluded:

“It is understood that the previous hotel proposals ran into difficulties with regard to flood risk. However, we find it hard to believe that such concerns could not be overcome for a non-residential use which PPS25 would normally find acceptable in areas of flooding subject to appropriate measures (such as all bedrooms being above ground floor).

The site benefits from an attractive aspect overlooking parkland to the north and east. However, it is located on a fairly quiet, partly residential street, invisible from main arterial routes. Therefore, we do not think that the site would prove particularly attractive to hotel operators compared to other opportunities available.”

OFFICER’S NOTE: This shows that Humberts believed there would be no commercial interest in the site, however the market has decided differently.

ii) Paragraph 14.14 should read “8.5 to 9 metres at eaves” (rather than ridge).

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There are no Section B Items