

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
14 June 2012 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

11. Amendment Sheet

162 - 178

See Amendment Sheet attached.

AMENDMENT SHEET

14 June 2012

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

7.1 120412 – 120412 – Butt Road, Colchester

Additional Condition:

Prior to the opening of the food store, details of the scheme to enable visitors to the residential units that are approved as part of this development, to park free of charge and for unrestricted hours, in the Neighborhood Centre car park, shall be submitted to and approved in writing by the Local Planning Authority. The parking arrangements for the visitors to the residential houses shall thereafter be operated in accordance with agreed scheme.

Reason: To ensure that appropriate parking arrangements are made for visitors to the residential development.

Additional Information Received:

Tesco have provided the following update in respect of the proposed affordable housing that is to be delivered as apart of this development:

“There has been a significant level of interest by housing associations from the list provided by Colchester Borough Council’s Affordable Housing Project Officer Mike Taylor.

These housing associations are:

***Family Mosaic
Sanctuary Group
Colne HS Ltd
Flagship Housing Group
Guinness Trust
Hastoe Housing Association
Chelmer Housing Partnership
Estuary Housing Association
Home Group***

All of these have been approached by Tesco’s agents and additional ones are being approached also.

Tesco have received expressions of interest from a number of these, with offers from three, namely; Flagship Housing, Estuary Housing Association and Colne HS”.

Additional Representations

A number of additional letters of representation have been received by the Council (both for and against this development proposal); the letters of support include a single submission of approximately 130 letters (signed individually) highlighting the merits of this scheme.

The additional letters of representation do not raise any significant new issues.

Point of Clarification:

Concern has been expressed that the comments raised by the Hamilton Road School Governors have not been specifically referred to in the Planning Committee report. The issues raised by the school in respect of highway safety etc are similar to those raised by others and these are set out in the report. The school commented as a ‘neighbour’ to this development and, as such, specific reference was not raised to their comments in the report.

7.2 120641 – Colchester Academy, Hawthorn Avenue, Colchester

Following discussions with the Agent and local residents, the conditions, as set out at paragraph 16.0 of the committee report, have been amended and are attached as an Appendix.

7.3 120657 – Land rear of 103 Bromley Road, Colchester

Further comments have been received that if permission is granted it should be personal to the applicant with the use ceasing and the removal of the stables and fencing if the owner moves on.

Officer Response: Government advice discourages the use of personal permissions. The proposed use of land and the stables are development that can reasonably be provided outside settlement boundaries. In this instance it is recognised that it is desirable to limit the number of vehicular movements along the rear access track and the applicant has agreed that a further condition could be imposed preventing horses/ponies from being taken to shows, in order to limit vehicular movement by this route.

Recommended Additional Condition: The horses/ponies associated with the development hereby permitted shall not be taken to and from horse shows or other equestrian events.

Reason: To limit the number of vehicular movements using the access track, in the interest of highway safety and residential amenity and in accordance with the application details submitted)

7.6 120484 – Land at Meadow Green Farm, Mount Bures Road, Wakes Colne

The applicant's agent has sent a response regarding the recommendation of refusal for this application. This was received early in the afternoon of the day before Committee, but your Officer's have had time to study it and formulate a response.

Most of the comments, including those from a Barrister commissioned by the applicant, constitute a further rebuttal of our Policy stance on this type of application. Below is a further response from our Planning Policy team, received yesterday:

These additional comments have been prepared in response to the information supplied by the applicant's agent on the 13 June 2012 and should be read in conjunction with the earlier planning policy comments.

Development Policy DP24 is an adopted policy which has been through the full process of public consultation and was found to be sound and the most appropriate in all circumstances for Colchester following recent examination in public in 2010.

The NPPF is now a material consideration and also needs to be considered in the determination of this application. As set out in the previous planning policy comments paragraph 55 of the NPPF is considered to be relevant in this case. The NPPF does not provide any guidance on the interpretation of 'essential need' or 'rural worker'. The use of this more general terminology in the NPPF is likely to provide more local flexibility when setting development plan policies. The NPPF also requires essential need to be demonstrated on which there is again no further guidance due to the revocation of the annex to PPS7.

It is considered that Colchester's approach to rural dwellings remains in general conformity with the NPPF. The use of more general terminology in the NPPF provides greater local flexibility. It is not, however, considered to justify the setting aside of Colchester's locally adopted development plan policy.

Given the general terminology used it is entirely appropriate for this issue to be addressed by local planning policies. The more general terminology used does not expressly mention equestrian uses or any other types of rural businesses.

The NPPF is positive towards rural enterprise, as referred to by the applicant's barrister, and this should be a material consideration in the determination of the application. The NPPF, however, also seeks to protect the intrinsic character and beauty of the countryside which should also be taken into account along with the Council's locally adopted policies on this issue. The support for rural enterprise contained in the NPPF is therefore not considered to outweigh the potential for harm or to justify a departure from adopted development plan policies.

The NPPF remains restrictive on new homes in the countryside and requires special circumstances to be shown if they are to be supported. Colchester's local policy approach remains appropriate within the greater flexibility provided by the NPPF and there is therefore considered to be a limited degree of conflict. It is therefore considered that paragraph 214 of the NPPF applies and full weight should continue to be afforded to Colchester's local policies for 12 months from the day of publication of the NPPF.

Viability

The agent has pointed out that the business plan has not been adequately vetted.

No detailed analysis has taken place because of the expense to the public purse. However, this has been looked at in-house, and our response is as follows:

Figures given for costs appear unrealistically low. Water rates of £400 pa for example would cover the mobile home alone, but would in no way represent the large water consumption of a stud farm. As another example, an annual vet bill of £100 per horse would be more appropriate for a small dog rather than a £50,000 breeding horse.

In contrast, figures provided for income appear unrealistically high. No evidence is provided that such figures are in any way achievable. It is unclear why foals sell for £8000 each but can be bought in for £900 each? Are poor quality foals brought in to breed and produce a high quality foal?

Of greatest concern however, is the notional financing costs of major works. I appreciate that the applicant already owns property and stock, but it is the business that must justify the dwelling, not the person, otherwise it is a lifestyle choice that is being considered rather than a business. The consequence could otherwise be that should the applicant lose interest in the site and move on, a dwelling could remain with no viable business attached. For the business to justify a dwelling, it should therefore be possible for it to be sold as a going concern. The full costs of the sale of such a business should therefore include the £265,000 of starting stock and the cost of the land and existing buildings / infrastructure. No such details are included.

Although a small figure is given for repairs and maintenance, no depreciation figures are given for buildings or equipment. Similarly, no financing of vehicles or other essential equipment is included in figures.

No details of working hours in order to achieve projected income figures are provided. This is especially concerning as Paragraph 5.8 states that once established the premises will need at least 2 f/t workers. No wages for such workers are shown in the calculations. No details are provided of how sickness and leave cover for the owner will be paid for.

No details of how the building of a new house at the end of the 3-year period will be financed.

It is disappointing that despite having supposedly already established the business, no accounts are provided relating to how that business has performed to-date. It is also disappointing that no evidence has been submitted in support of the applicant's claims of projected income, for example to demonstrate that 30 dose of semen per stallion, per annum is a reasonable expectation and that £400 per dose is a reasonable expectation of income.

No evidence is submitted that sites on existing equestrian or farm units with associated dwellings have been investigated and so there is no apparent justification for eroding additional existing countryside by this proposal. No investigation of alternative potential security and supervision provision is appears to have been undertaken – cameras, security guards etc. Paragraph 3.3 states that “To save on livery costs and move the business forward, 7 horses were moved into the site in 2001”. Presumably the security situation was satisfactory then.

Hopefully these reasons are sufficient to stand up this reason for refusal.

As stated earlier, if the application is refused using viability as a reason, and is subsequently appealed, Colchester Borough Council may need to commission a specialist. These costs may be retrievable if the Council is successful in a claim against the appellant. The appellant would not be in a position to attempt such a claim (unless it felt the need to do any further work and if the Council had acted unreasonably) as it has already provided its information as part of the application.

Rural Amenity

The comments are noted and your Officers disagree with the points made in terms of visual intrusion and activity.

Key Omissions

The issue of viability has already been discussed at length, your Officers note the other matters, but these do not outweigh the fundamental Policy issue with this application.

7.7 120708 – Lexden Wood Golf Club, Bakers Lane, Colchester

For the avoidance of doubt, West House is the property to the south-west of the additional car parking area. Westhouse Farm is to the west of the existing car park, close to the building marked bar/machinery store.

7.8 120827 – War Memorial, High Street, Colchester

Comments received from English Heritage

Summary

This application is for the installation of temporary flagpoles and flags during the period of the Olympics (15/6/12 - 31/12/12). English Heritage considers that the flags inside the park gates will cause a degree of harm to the setting of Colchester Castle, notwithstanding their temporary nature, and considers that, to protect this, the four flagpoles in the park should be omitted from the scheme. The structures may also have the potential to harm buried archaeological deposits, although this risk is considered low and could be acceptably mitigated by archaeological monitoring of the ground works.

English Heritage Advice

Colchester Castle (a scheduled monument and Grade I listed building) is the largest Norman keep in existence, belonging to a small group of 'hall-keeps', including the smaller Tower of London, with which it has similarities. It was built on the orders of William the Conqueror, traditionally said to date from 1076. The location and dimensions derive from it being built on the remains of the podium of the Roman temple of Claudius, and constructed of rubble and septaria, it is now of two

storeys. The main entrance is on the south side, entered by a modern timber bridge, incorporating pairs of flagpoles, spanning the remains of a large fore building. The foundations of a late Saxon apsidal chapel sit close to the south east corner of the keep.

The position of the southern bailey is marked by the alignment of the High Street and the area south of the keep comprises ornamental gardens forming part of Castle Park (a Grade II registered garden). In 2008 scheduled monument consent was sought for the erection of flagpoles on the modern bridge, to allow for pennants to be flown publicising exhibitions at the castle. English Heritage considered that in the context of the modern bridge, the position and scale of the flagpoles would not materially harm the setting of the castle, and that their provision would alleviate the need for any additional structures of this type within the setting of the castle.

English Heritage gave informal pre-application advice on the current proposals for the Olympic flagpoles in December 2011. At that time, the locations included positions inside the scheduled area, which would have required scheduled monument consent. We note that in the northernmost flagpole locations have been moved to place them outside the scheduled area in this application, but do not consider that this removes the objection on the grounds of setting.

The risk of the construction causing harm to buried Roman archaeological deposits is considered low, and could be mitigated by archaeological monitoring of the ground works.

Recommendation

English Heritage has no objections to the proposed flagpoles in Cowdray Crescent, but considers that the cumulative impact of the additional flagpoles within the park harm the setting of the castle, and that the four poles inside the park could be omitted from the scheme with detriment to celebrating the Olympic message, in order to protect the setting of Colchester Castle.

Officer comment: Whilst the impact of the proposal upon the setting of nearby listed buildings, an historic park, and a Scheduled Ancient Monument is of concern, it is concluded that the proposal is acceptable on a temporary basis having had regard for public benefit in terms of generating civic pride in connection with the torch relay and contributing to tourism as part of a national event of international importance.

Comments received from the Royal British Legion:

“I would like to confirm that the Royal British Legion have been consulted regarding this planning application and wish to raise no objections. In deed we think it most appropriate to build a better world by promoting the Olympic Truce and using sport to forge friendship among the athletes, young people and communities in an area dedicated to those that gave and continue to give there lives for world peace.”

Email received from Highways Authority:

“No objection. The flag poles are able to withstand constant wind speeds of nearly 90mph and gusts if 50% extra. Unless there is exceptional weather, it would be unlikely that the pole would topple into the highway.”

Councillor Sutton comments as follows:-

“I would like to confirm that the Royal British Legion have been consulted regarding this planning application and wish to raise no objections. In deed we think it most appropriate to build a better world by promoting the Olympic Truce and using sport to forge friendship among the athletes, young people and communities in an area dedicated to those that gave and continue to give there lives for world peace.

I write in my capacity as the President of the Colchester Branch, The Royal British Legion.”

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

2 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with submitted amended plans 2461-JW-200 P02, 2461-JW-300 P02, 2461-JW-400, P02, and 2461-JW-500 P02, received on 30th May 2012, and amended plans 2461-JW-002 P03, 2461-JW-004 P04, 2461-JW-100 P03, 2461-JW-600 P03, 2461-JW-601 P03, 2461-JW-602 P03, and 2461-JW-610 P04, received on 31st May 2012, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

3 - Non-Standard Condition

The facing materials to be used in the construction of the development hereby approved shall be grey brick, coloured render, and coated dark grey upvc windows, as shown on the amended elevational drawings and 241-JW-703 Rev P01, received on 28th May 2012, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the proposed development is visually satisfactory and enhances the appearance of the locality.

4 - Non-Standard Condition

Prior the the installation of the first floor windows on the south-elevation of the school building, details of the tinted glazing shall be submitted to and agreed, in writing, by the Local Planning Authority. The windows shall then be implemented as approved and thereafter retained.

Reason: In the interests of residential amenity.

5 - Non-Standard Condition

No development shall commence until details of a wheel cleaning facility within the site and adjacent to the egress onto the highway are submitted to and approved, in writing, by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of development.

Reason: To protect highway efficiency of movement and safety during construction.

6 -Non-Standard Condition

No development shall commence until a construction management plan is submitted to and approved, in writing, by the Local Planning Authority. The plan shall be implemented as approved prior to and during construction of the development hereby approved.

Reason: To protect highway efficiency of movement and safety during construction.

7 – Non-Standard Condition

The demolition works shall be carried out in accordance with the Demolition Methodology, dated 24th May 2012, in so far that it does not conflict with any conditions relating to this planning permission.

Reason: In the interests of visual and residential amenity and highway safety.

8 – Non-Standard Condition

Working hours for construction and demolition shall be restricted to between 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holiday days. No vehicle connected with the works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).

Reason: In the interests of residential amenity.

9 – The security fencing provided during construction along the Acacia Avenue frontage shall be 2.5 metre high timber hoardings.

Reason: In the interests of visual amenity.

10 - Non-Standard Condition

All vehicular, pedestrian and cycle access gates shall open inwards towards the proposal site only.

Reason: To protect highway efficiency of movement and safety.

11 – Non-Standard Condition

Prior to the cycle parking within the car park accessed from Hawthorn Avenue being first used, details of the structure to cover the cycle parking shall be submitted to and agreed, in writing, by the Local Planning Authority. The covered cycle parking area shall be constructed as approved and thereafter retained.

Reason: In the interests of visual amenity and to ensure that covered and secure cycle parking is provided in accordance with cycle parking requirements as part of the adopted Parking Standards Supplementary Planning Document (2009).

12 - Non-Standard Condition

Prior to the drop-off zone and car park at Hawthorn Avenue being first used in connection with the operation of the new school building hereby approved, precise details of the pedestrian crossover at the Hawthorn Avenue access shall be submitted to and approved, in writing, by the Local Planning Authority. Before the drop-off zone and car park is first used in connection with the operation of the new school building, the pedestrian crossover shall be implemented as approved and thereafter retained.

Reason: In the interests of highway safety.

13 - Non-Standard Condition

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 the conditions 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 4 has been complied with in relation to that contamination.

1. 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'.

2. 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.

3. 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.

4. Reporting of Unexpected Contamination

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 1 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 "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 3 "Implementation of Approved Remediation Scheme".

5. Validation Certificate

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 2 "Submission of Remediation Scheme" above. This certificate is attached to the planning notification.

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.

14 – Non-Standard Condition

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 5dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

15 - Non-Standard Condition

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so that the noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise-sensitive premises.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

16 - Non-Standard Condition

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

17 – Non-Standard Condition

During use of the hall/theatre, the external doors serving the hall/theatre shall be kept closed at all times (except in the case of emergencies).

Reason: To prevent noise disturbance in the interests of residential amenity.

18 - Non-Standard Condition

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

19 - Non-Standard Condition

No premises shall be occupied until the works have been carried out in accordance with the surface water strategy as set out in Flood Risk Assessment LO1123/FRA, dated March 2012, unless otherwise agreed in writing by the Local Planning Authority.

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

20 - Non-Standard Condition

No development shall commence until a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason: To enhance the sustainability of the development through better use of water, energy and materials.

21 - Non-Standard Condition

Notwithstanding the submitted details, prior to being discharged to any soakaway/ditch/surface water sewer, all surface water drainage from impermeable vehicle parking areas shall be passed through a petrol/oil interceptor designed and constructed to the satisfaction of the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.

Reason: To ensure a satisfactory method of pollution control.

22 - Non-Standard Condition

The development hereby permitted shall be carried out in accordance with the Adonis Phase 1 Ecology Survey, dated 21st November 2011, unless the Local Planning Authority agrees in writing to a variation.

Reason: In order to safeguard protected wildlife species and their habitats.

23 - Non-Standard Condition

Prior to the school building hereby approved being first used, precise details (to include the siting, position, type and size) of the bird boxes to be erected shall be submitted to and agreed, in writing, by the Local Planning Authority. The bird boxes shall be erected as approved and thereafter retained and maintained to a suitable standard.

Reason: In order to prevent disturbance to protected species and to enhanced bird habitat.

24 - C11.11 Landscape Design Proposals

Notwithstanding the submitted details, within 3 months of the date of this permission further details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

25 - C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded 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 the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

26 - Non-Standard Condition

The mounded land areas to be formed to the north of the site as part of the development hereby approved shall be in accordance with the levels and contours as shown on drawing C463_DR_001 P06, dated 27th April 2012 and received by the Local Planning Authority on 31st May 2012.

Reason: To ensure an appropriate change in topography on landscape features.

27 - Non-Standard Condition

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

28 - Non-Standard Condition

The development hereby permitted shall be carried out in accordance with Arboricultural Implication Report D23011120906v3, dated 8th February 2012, unless the Local Planning Authority agrees in writing to a variation.

Reason: In the interests of visual amenity and the character and appearance of the area.

29 - C10.15 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features shown to be retained on the approved plans are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. 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.

30 - C10.16 Tree & Natural Feature Protection: Entire Site

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 interests of amenity.

31 - C10.18 Tree and Hedgerow Protection: General

All trees and hedgerows on and immediately adjoining the site shown on the approved plans to be retained 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 to be retained shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that these 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 with 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.

32 - Non-Standard Condition

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 development permitted by virtue of Schedule 2, Part 32 of that Order shall be carried out without the express planning permission of the local planning authority.

Reason: In the interests of visual amenity.

33 - Non-Standard Condition

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 development permitted by virtue of Schedule 2, Parts 24 and 25 of that Order shall be carried out without the express planning permission of the local planning authority.

Reason: In the interests of visual amenity.

The conditions, as set out at paragraph 16.0 of the committee report have been amended and added to as follows:

34 – Non Standard Condition

The external lighting shall be implemented as shown on drawing D19813/JB/F, received on 31st May 2012, unless otherwise agreed, in writing, by the Local Planning Authority. The approved lighting shall fully comply with the figures specified in the current '*Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light*' for zone E3. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance.

Reason: In the interests of neighbouring amenity and to prevent harmful levels of light pollution.

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) All works affecting the highway should 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 by initially telephoning 08456 037631.

(3) Anglian Water has assets close to or crossing this site, or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

(4) If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. It is an offence under Section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent.

(5) The scheme of supervision for the arboricultural measures required by condition 26 will need to be appropriate to the scale and duration of the works and should 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
- 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.

(6) The developer is advised that Colchester Borough Council seeks to encourage that non-residential developments are built to a minimum BREEAM rating of 'very good'.

(7) The Applicant is advised that the roof plant installed should be maintained in line with manufacturers specifications and standards.

(8) The Applicant is advised that the Local Planning Authority will discuss the possibility of white lining across private driveways in Acacia Avenue with the Highway Authority, as residents have concerns that haphazard school related parking would cause unnecessary obstruction.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
14 June 2012 at 6:00pm**

SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items