

AMENDMENT SHEET

Planning Committee
17 June 2021

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 202771 – Turner Rise Retail Park, Petrolea Close, Colchester

- 1) For clarity an objection has been received from Councillor King as well as Cllr Goss and Oxford, the Councillor's comments are summarised within the objection summary section of the committee report.
- 2) Since the publishing of the committee report was written a further 25 comments in support have been received. The supportive comments summary:
 - Support Colchester's economy
 - Employment opportunity
 - Business rates
- 3) Cllr Goss has provided the 'Joint Strategic Need assessment 2019 – Colchester Local Authority Profile' which sets out adult & child obesity figures on pages 41 to 44, this has been indexed to the planning file.
- 4) One further objection has been received from Dunelm (Turner Rise) summary of objection below, full comments on the Council's website:
 - Impact on traffic levels
 - The Transport Statement surveys undertaken during Covid-19 pandemic. The comparable restaurant used in the Transport Statement is a much smaller unit. As such the Transport Statement is flawed under-estimated the impact of this proposal.
 - Additional demand on the exit roundabout to the retail park
 - Increased litter - litter management plan is inadequate
 - There is no construction methodology included in the application.
 - There are already 4 McDonalds in Colchester –an unwarranted over intensification of fast-food use at this location
 - "24/7 operation" – this is incompatible with the surrounding residential area. Noise surveys done during the pandemic.

7.2 210787 – 87 Colchester Road, West Bergholt

One further objection received, summary of objection:

- Road safety issues
- Inadequate parking
- Odour
- Waste and pests

7.3 210763 – Mary Barron Building, Colchester General Hospital, Turner Road, Colchester

Following the receipt of revised drawings, and as a result of further discussions with the Agent, amendments have been made to the recommended conditions. The changes relate to updated drawings, clarification of wording, hours of demolition and construction, as well as taking into account the phasing of the development. An additional condition has been added in order to agree final details for the link corridor (see condition 11).

The recommended conditions are set out in full for completeness (amended conditions indicated by underlined heading).

1. Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

Proposed Block Plan Rev P6	133738-IBI-WS-XX-PL-A-100-0007
Proposed Ground Floor Plan Rev 4	133738-IBI-WB-00-PL-A-200-0001
Proposed First Floor Plan	133738-IBI-WB-01-PL-A-200-0001 Rev 5
Proposed Second Floor Plan Rev 5	133738-IBI-WB-02-PL-A-200-0001
Proposed Plant Room Rev 4	133738-IBI-WB-03-PL-A-200-0001
Proposed Roof Plan	133738-IBI-WB-04-PL-A-200-0001 Rev 4

Proposed Building Elevations 133738-IBI-WS-XX-EL-A-100-0001 Rev P5

Proposed Site Sections 133738-IBI-WS-XX-EL-A-100-0006 Rev P3

Proposed Car Parking Plan 133738-IBI-WS-XX-PL-A-100-0007

Construction Management Plan Rev O, dated 11.03.2021

SES Tree Survey and Arboricultural Impact Assessment Rev B, dated 18th March 2021

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Ecological Mitigation and Enhancement Measures

The development hereby approved shall be implemented fully in accordance with the Mitigation and Enhancement Measures set out in Section 4.0 of the SES Preliminary Ecological Appraisal dated 18 March 2021.

Reason: In the interests of mitigating the impact of the development upon biodiversity and to secure biodiversity net gain.

4. Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 07:00-18:00

Saturdays: 08:00-18:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

5. Archaeological Investigation

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.

- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to the development of each construction phase, as shown in drawings 133738-IBI-WS-XX-PL-A-100-0004 Rev P1 and 133738-IBI-WS-XX-PL-A-100-0005 Rev P1. Phase 1 (construction of the Elective Orthopaedic Centre) and Phase 2 (construction of the loop road) shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed for the corresponding development phase in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

6. SUDS

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s) . The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Rainwater harvesting should be considered on this site as a viable option
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 15l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To prevent surface water flooding and to mitigate any environmental harm that may be caused to the local water environment.

7. Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been 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 the following (where relevant and as identified by the initial conceptual site model):

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 all relevant, current, best practice guidance, including 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 safely without unacceptable risks to workers, neighbours and other offsite receptors

8. Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

In the event that contamination is identified through the investigation and risk assessment, no works shall take place until 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 has been prepared and then submitted to and agreed, 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.

9 Contaminated Land Part 3 of 4 (Implementation of approved Remediation Scheme)

In the event that contamination is identified through the investigation and risk assessment, no works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. 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/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.

10. Construction Vehicle Cleaning Facilities

No works shall take place until details of a wheel and underbody cleaning facility for demolition and construction vehicles has been submitted to and approved in writing by the Local Planning Authority. The wheel and underbody cleaning facility shall be located within the site and adjacent to the egress onto the

highway. The approved facility shall then be implemented and maintained as approved during the periods of demolition and construction.

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

11. Details of Link Corridor [new condition]

No works shall commence in respect of the link corridor until full details (including floor plans, elevations, and details of materials) have been submitted to, and agreed in writing by, the Local Planning Authority. The link corridor shall then be constructed as approved.

Reason: In the interests of good design and the character of the area.

12. Architectural Detailing

Notwithstanding the information submitted, no works shall take place (except for site clearance and underground enabling works) until additional drawings (at a scale between 1:5 and 1:50 as appropriate) of the architectural features have been submitted to and approved in writing by the Local Planning Authority. These drawings shall include details of any flashing, reveals, recessed or projecting elements to be used. The development shall be implemented in accordance with the approved additional drawings.

Reason: Insufficient detail has been submitted to ensure that the character and appearance of the area is not compromised by poor quality architectural detailing.

13. Materials

Notwithstanding the information submitted, no works shall take place, other than site clearance and underground enabling works, until details and samples of all external facing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development in the interests of good quality design and visual amenity.

14. Foul Water Drainage Scheme

No works shall take place above damp proof course level until a scheme for on-site foul water drainage works, including connection point and discharge rate, have been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall then be carried out and completed in full prior to the occupation of the development.

Reason To prevent environmental and amenity problems arising from flooding.

15. Window and Door Details

No external windows, doors, or curtain walling shall be installed until precise details of all external windows, doors, and curtain walling has been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through any glazing bars) at not less than 1:2 or as a sample sections as deemed appropriate. The works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the approved works are carried out without detriment to the character and appearance of the building where there is insufficient information within the submitted application

16. SUDS Management and Maintenance

The development shall not be occupied until a surface water drainage management and maintenance plan, detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies/recording, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

17. Site Boundary Noise Levels

The development shall not be occupied until a competent person has ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of [or 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.

18. Bicycle Parking

The development shall not be occupied until the bicycle parking facilities, as shown on the approved plans, have been provided and made available for use.

The bicycle parking facilities shall be secure, convenient, and covered, and shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

19. Travel Plan

The development shall not be occupied until a Travel Plan for the hereby approved development has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

20. Directional Signage

The development shall not be occupied until appropriately faced signage that indicates and leads motorists, cyclists, and pedestrians to and from the hereby approved development have been provided at access points and throughout the site in accordance with a signage scheme that shall have been previously submitted to and approved in writing by the Local Planning Authority. The approved signage shall then be implemented as approved and thereafter retained.

Reason: In the interests of ensuring convenient and efficient access, circulation, and exit movements within the site.

21. Contaminated Land Part 4 of 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, if required, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

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.

Please note:

Conditions regarding LANDSCAPING AND TREES to be added, subject to further landscape proposals being submitted as per Case Officer's recommendation.

7.4 190335 – Land at the rear of The Colchester Centre, Hawkins Road, Colchester

A further representation has been received. This can be read in full online but in summary it states that the wider area is a poor-quality pedestrian environment with heavy traffic that is often queuing. It notes that students would not walk to the Pelican crossing to cross Colne Causeway.

In response: It is not accepted that the site is unworkable from a pedestrian point of view. There are acceptable footways and crossing points from the site to the Colne Causeway Pelican crossing that then allows safe, traffic-controlled access to either Lightship Way or to the Wivenhoe Trail, both of which have pedestrian access to the zig-zag bridge and onwards to the University. If students are walking to town they can walk along Hawkins Road and then along the Wivenhoe Trail and on to Castle Park. As noted in the report, the site is in a sustainable location close to the Hythe Station, bus routes and local amenities.