

AMENDMENT SHEET

**Planning Committee
18 October 2018**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 181281 - Former Bus Depot, Magdalen Street, Colchester

Following comment from the applicant several pre-commencement conditions have been revised - the revised wording is shown in bold text over the page. Agreement to the revised wording is awaited from the Contaminated Land Officer in respect of conditions 24 and 26. Members will be updated at the meeting. Condition 21 has also been revised so it is clear the retention of both plaques is required.

4. Non Standard Condition - Additional drawings of architectural features
Prior to the installation of the relevant architectural features, additional drawings that show details of all architectural features and screening features including, but not limited to, parapet to Block A, graded film to communal rooms brick recessed panels, recessed brick work, perforated brick panel, reveals, coping, windows, doors, brick bonds, brise-soleil, glazed screens, recessed rain water goods, parapet, to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.
Reason: There is insufficient detail with regard to these features which are essential elements of the design.
5. Non Standard Condition - Materials To Be Agreed
No external facing materials shall be installed until precise details of the manufacturer and types and colours of the external facing and roofing materials and including a schedule of all types and colours of external 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. The materials shall be of the quality indicated in the application documents.
Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.
6. Non Standard Condition - Scheme of Features To Mitigate Overlooking
Prior to the completion of superstructure works a detailed scheme, including samples where appropriate, to mitigate overlooking from the south elevation of Blocks A, B and C and the west elevation of Block A shall be submitted to and approved in writing by the local planning authority. The scheme shall include, but not be limited to, the measures described in the application documents and shown on the submitted plans. The approved scheme shall be implemented in full prior to the occupation of the development and shall thereafter be retained.
Reason: To protect the privacy and amenity of adjacent residents.
15. Non Standard Condition - Mechanical Ventilation Air Quality
Prior to the completion of superstructure works to Block A and Block C a scheme of mechanical ventilation to the ground and first floors of the north (front) facing elevation of these blocks shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include the position of the proposed air inlet, or alternative, on facades where AQO exceedences are not predicted.
Reason: To ensure future occupants are not exposed to poor air quality.
16. Non Standard Condition - Hard and Soft Landscape Scheme
Prior to the first use or occupation of the development a detailed scheme of landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority. The approved works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details are not acceptable in all respects and the new landscape details shall include:
- THE RETAINED TRAM LINES
 - WORKS TO EXISTING AND NEW RETAINING WALLS

- GREEN SEDUM ROOFS
- PROPOSED FINISHED LEVELS OR CONTOURS;
- TREE PLANTING TO MAGDALEN STREET
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS; full details of the surfacing materials to be used for all private, non-adoptable accessways, driveways, footpaths, courtyards, parking areas and forecourts
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

21. Non Standard Condition - Retention of Historic Features

Prior to the commencement of any demolition works the plaque of the Borough Coat of Arms (on the Magdalen Street frontage) shall be removed, retained and incorporated in the façade of the locally listed building on the Military Road frontage, in addition to the coat of arms on the locally listed building . The brick façade to the locally listed building fronting Military Road shall be retained in situ. Prior to any demolition taking place the façade shall be made secure in accordance with a detailed scheme (including elevations and proposed materials) submitted to and approved in writing by the local planning authority, the details shall include the making good of the façade, details of the substation and the re-location of the plaque of the Borough Coat of Arms within the brick façade. The approved scheme shall be constructed prior to the occupation of any part of the development.

Reason: To ensure these features of local historic importance are retained on the site.

22. Non Standard Condition - Boundary Fence

Prior to occupation of the development, details, including design and materials, of a 2 metre high closeboarded fence to be erected, on the site boundaries (with the exception of the Magdalen Street and Military Road frontages) shall be submitted to and approved in writing with the Local Planning Authority. The extent of the 2 metre high fencing required shall be agreed in writing with the Local Planning Authority and the approved details shall be implemented in full prior to any occupation and shall thereafter be retained.

Reason: In the interests of residential amenity.

24. Non Standard Condition - Contamination

No development approved by this planning permission **with the exception of demolition works**, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary aquifer, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

26. Non Standard Condition - Monitoring and Maintenance Plan in Respect of Contamination

No Occupation or use of the development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary aquifer, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

29. Non Standard Condition - Surface Water Drainage

No drainage works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

The scheme should demonstrate compliance with the NTS and ECC's Sustainable Drainage Systems design Guide, and should include but not be limited to:

- 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. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved. Confirmation of contamination at the site should be provided if this is the reason why infiltration is precluded
- Surface water drainage features should replicate natural drainage with preference for at surface drainage features to ensure the SuDS principles are satisfied.
- Limiting discharge rates from the site to as close as reasonably practicable to an absolute minimum of 50% betterment on existing runoff rates for all rainfall events up to and including the 100 year rainfall.
- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post-development 100 year, 6 hour runoff volume.
- Final detailed modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- 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 with evidence that adequately demonstrates that the receiving authority for the surface water discharge has confirmed acceptability.

The scheme shall subsequently be implemented prior to occupation.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

To provide mitigation of any environmental harm which may be caused to the local water environment.

NB Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

30. Non standard condition - Maintenance Plan for Surface Water Drainage
Prior to the occupation or first use of the development a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, 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.

NB Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

33. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)
No works with the exception of demolition 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:
 - 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'. (Contaminated Land Part 1 of 4)

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

34. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works other than demolition 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. (Contaminated Land Part 2 of 4).

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

38. Non Standard Condition - Archaeology Recording

No development with the exception of above ground slab level superstructure demolition works shall take place (NB the demolition works exclude the ground slab) until the implementation of a programme of below ground archaeology recording 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:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- Provision to be made for archive deposition of the analysis and records of the site investigation.
- Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation reporting has been completed 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.

(NB A trial-trenched archaeological evaluation will be required to establish the below-ground archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Whilst pre-determination archaeological evaluation is not required for this proposal it is recommended that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required).

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, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

43. Non Standard Condition - Foul Water Strategy

No development other than demolition shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

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