
Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 23 July 2021 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers (Vice-Chairman)
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr S Kane
Cllr M Hardware	Cllr M Mackrory

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Councillor Aspinell for whom Councillor Mackrory substituted.

There were no declarations of interest.

2. Minutes

The minutes of the meeting held on 25 June 2021 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

- 1) Paxman Academy, Paxman Avenue, Colchester CO2 9DQ
To consider report DR/14/21 relating to the provision of a new Multi Use Games Area (MUGA) and associated works and the provision of a new emergency vehicular access from Paxman Avenue to replace the existing emergency vehicle access from Walnut Way.
Location: Paxman Academy, Paxman Avenue, Colchester CO2 9DQ
Ref: CC/COL/100/19

Public speakers:

- Agent, on behalf of Applicant: Mr Markham – speaking for

4. Shenfield Library, Hutton Road, Shenfield, CM15 8NJ

The Committee considered report DR/13/21 by the Chief Planning Officer.

The Chairman drew the Committee's attention to the Addendum to the agenda, particularly in respect of updates to conditions 3, 4, 5, 7, 12, 15 and 17 within the RECOMMENDED section between pages 46 and 51.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report and Addendum.

The Committee noted the key issues:

- Principle of Development
- Schedule of Accommodation/Library Space, Density and Housing Mix
- Design and Landscaping
- Amenity
- Highways
- Sustainability and Flood Risk/Drainage

The Chairman gave his agreement for a statement to be read out on behalf of Councillor Aspinell, who was not present, as the Local County Member. Councillor Aspinell's statement made several points:

- Negative impact on street scene due to overbearing presence
- Intrusion on privacy of adjacent residential dwellings
- Reduction of external community space and loss of trees, particularly the cherry tree
- Lack of storage provision for furniture and equipment used by community groups
- Inadequate parking
- Lack of reference to the Essex Design Guide as recommended by Brentwood Borough Council

In response to the issues raised, the following points were made by officers:

- Although there was a reduction in the amount of open or green space, as a result of an enlarged footprint of the new building, it was expected that this space would remain fully accessible to the public when not in use by the library.
- The Essex Design Guide had been taken into account; Brentwood Borough Council's concern related to the proposal not being presented to the Essex Quality Review Panel. The applicant, as part of the pre-application discussions, was asked to consider presenting the application to the Essex Quality Review Panel but declined to do so. Whilst this was disappointing it was not considered that this was a reason to refuse planning permission.

Following comments and concerns raised by Members, it was noted:

- That the commercial element of Hutton Road began and ended immediately on the other side of the Friars Avenue junction to the southern aspect; on the northern side it continued past the library site.
- The bicycle hoops for the library were covered by a canopy; those for the residential units were fully enclosed.
- There were five charging points for electric vehicles; one per two parking spaces and the overall number of parking spaces proposed for the development was considered acceptable. Currently, there was no free access

to disabled parking, the car park was gated and access had to be requested. Thirty minutes of free parking was available in a car park off Friars Avenue with additional time available if paid for beyond this period. In addition, one hour of free parking was available in bays either side of Hutton Road.

- The loss of the cherry tree was felt to be regrettable, but no objection had been raised by Place Services (Arboriculture) which may have lent weight to this as an objection.
- Condition 11 and the reason for this would be reworded to strengthen the expectation and requirement for the provision of public access to the re-landscaped area in front of the development.
- The flat roof projections on the first and second floors of the development were not proposed to be used as amenity space.
- The parking to rear maintained the existing fence line and the relationship with 2 Friars Avenue would therefore remain similar. The Transport Assessment sought to suggest that the number of vehicle movements from the proposals was potentially akin to what could be expected to result from the use of the current library car park if utilised to full capabilities.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, and subject to the strengthening of condition 11 was proposed by Councillor Garnet and seconded by Councillor Jowers. Following a vote of eight in favour, three against and one abstention, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992,

planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 18/03/2021 and shown on drawings titled: 'Location Plan', drawing number: 001, dated 01/03/2021; 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21; 'Proposed First Floor Plan', drawing number: 012 (Rev B), dated 07/07/21; 'Proposed Second Floor Plan', drawing number: 013 (Rev B), dated 07/07/21; 'Proposed Roof Plan', drawing number: 014 (Rev B), dated 07/07/21; 'Proposed Elevations – Sheet 1 of 2', drawing number: 015 (Rev C), dated 08/07/21; 'Proposed Elevations – Sheet 2 of 2', drawing number: 016 (Rev B), dated 07/07/21; 'Proposed Section AA & Section BB', drawing number: 017 (Rev B), dated 07/07/21; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies CP1 – General Development Criteria, CP2 – New Development and Sustainable Transport Choices, CP3 – Transport Assessments, CP4 – The Provision of Infrastructure and Community Facilities, H4 – Mixed Use Development, H6 – Small Unit Accommodation, H9 – Affordable Housing on Larger Sites, H14 – Housing Density, T2 – New Development and Highway Considerations, T5 – Parking, T10 – Access for Persons with Disabilities, T14 – Cycling, T15 – Pedestrian Facilities, LT8 – Use of Redundant Institutional, Recreational and Community Building, LT11 – Retention of Existing Local Community Facilities, C5 – Retention and Provision of Landscaping and Natural Features in Development, IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development, PC1 – Land Contamination, PC4 – Noise and PC6 – Transport Pollution of the Brentwood Replacement Local Plan (2005).

3. No development above damp proof membrane of the building hereby permitted shall take place until exact details of the materials to be used for the external appearance (including all windows, doors, balconies, roof coverings and rain goods) of the development hereby permitted have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure the proposed material palette is of a high quality and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, all external windows to bathrooms and/or en-suites of the residential units hereby approved shall be obscured glazed to at least level 3 on the standard scale of obscurity. In addition, no development above damp proof membrane of the building hereby permitted shall take place until a finalised design for the external windows to residential units 1.03, 1.05, 2.03 and 2.05 has been submitted to and approved in writing by the County Planning Authority. The design details submitted shall seek to confirm installation angle/direction, glazing and whether the window would be fully, partially or non-opening. The development shall subsequently be implemented and permanently maintained in accordance with the approved details.

Reason: In the interest of residential amenity, to reduce the potential for overlooking between units 1.03 and 1.05 and 2.03 and 2.05 and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

5. No development above damp proof membrane of the building hereby permitted shall take place until exact details and specification of all plant and apparatus proposed to be installed on the roof of any part of the building hereby permitted has been submitted the County Planning Authority and approved in writing. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no additional aerials, antennas, satellite dishes or electronic communications apparatus to that potentially shown on the aforementioned shall be installed or erected on any part of the building without the benefit of express planning permission.

Reason: In the interest of visual amenity, to ensure the design rationale for the building is not subsequently compromised by urban paraphernalia and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

6. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting design shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

7. No development above damp proof membrane of the building hereby permitted shall take place until exact details of the carbon/energy saving measures outlined in the submitted 'Energy Statement', document reference: 0120/IW/ES01 (Issue 2), dated April 2021 have been submitted to the County

Planning Authority for review and approval in writing. Such detail shall, for the avoidance of doubt, include but not be limited to the glazing specification of windows and doors to be installed, building insulation, the proposed air source heat pump system, the location of the electric vehicle charging points proposed within the car park and the exact layout of the solar arrays proposed on the building roof, as shown in principle on drawing titled 'Proposed Roof Plan', drawing number: 014 (Rev B), dated 07/07/21. The development shall subsequently be implemented in accordance with the approved details.

Reason: In the interests of energy efficiency, delivering the carbon savings suggested as part of the proposals and to comply with policies CP1 – General Development Criteria and IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development of the Brentwood Replacement Local Plan (2005).

8. No development or any preliminary groundworks shall take place until:
 - a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
 - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

9. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted, a finalised hard and soft landscaping scheme (inclusive of boundary treatments, fencing and gates and landscape features such as benches) shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of doubt, it is expected that this scheme will follow the landscaping principles detailed on drawing titled 'Proposed Landscape Plan', drawing number: F1470/200 (Rev A), dated 16/06/2021. However, the scheme submitted shall confirm the exact tree species proposed to be planted and the sizing of all plants and shrubs upon planting. The approved landscaping scheme shall subsequently be implemented within the first available planting season (October to March inclusive) and maintained thereafter in accordance with condition 10 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of

visual amenity and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

10. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted a Biodiversity Enhancement and Landscape Management Scheme shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall detail any and all biodiversity enhancement measures proposed to be incorporated as part of the development and landscaping proposals and, for the avoidance of doubt, in terms of management seek to confirm that any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years after the completion of the development (operations) shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: To conserve and enhance Protected and Priority species, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority Habitats and Species), in the interest of the environment and the amenity of the local area, to ensure the landscaping proposals are effectively managed following implementation and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

11. Prior to beneficial occupation of the building hereby permitted, a management scheme for the open space in-front of the development (fronting Hutton Road) shall be submitted to the County Planning Authority for review and approval and writing. The development shall subsequently be managed in perpetuity in accordance with the scheme approved. For the avoidance of doubt, the management of this area and public access to it shall in no way be amended unless an alternative scheme is subsequently submitted and approved by the County Planning Authority.

Reason: Concern has been raised that the proposals incorporate a fence and gate to this area and as such this area could visually appear private open space for exclusive use by the residential units, incongruous to the otherwise publicly open frontage of the site. The management scheme to be submitted pursuant to this condition, to confirm, is expected to generally allow unrestricted use of this area by the public in meeting the social objective of the NPPF.

12. Prior to beneficial occupation of the proposed development, the site access off Friars Avenue shall be widened to a minimum of 5.5 metres, as shown in principle on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21. In addition to this, the access barrier

shown on the same drawing shall at no time be installed closer than 6 metres back from the carriageway edge.

Reason: To ensure the access accords with relevant standards, to allow vehicles to enter and leave the highway in a controlled manner, in the interest of highway safety and to comply with policies CP1 – General Development Criteria and T2 – New Development and Highway Considerations of the Brentwood Replacement Local Plan (2005).

13. Prior to beneficial occupation of the development hereby permitted, the car parking area, as shown on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21, shall be hard surfaced, sealed and marked out in parking bays. In addition to this, the enclosed bike store and external cycle hoops, as shown on the same drawing, shall be installed. The car parking areas, bike store and cycle hoops shall be permanently retained for the lifetime of the development and shall not be used for any other purpose.

Reason: To provide a suitable level of parking on-site, to provide appropriate facilities to store cycles, in the interest of highway safety and to comply with policies CP1 – General Development Criteria, CP2 – New Development and Sustainable Transport Choices, T2 – New Development and Highway Considerations, T5 – Parking, T10 – Access for Persons with Disabilities, T14 – Cycling of the Brentwood Replacement Local Plan (2005).

14. Prior to occupation of the any of the residential units hereby approved, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies CP2 – New Development and Sustainable Transport Choices and T2 – New Development and Highway Considerations of the Brentwood Replacement Local Plan (2005).

15. No development shall take place until a Construction Management Plan covering:

- a) the proposed demolition of the existing building; and
- b) the construction programme of the development hereby permitted has been submitted to and approved in writing by the County Planning Authority. The approved Plan(s) shall be adhered to throughout the demolition and construction period and provide for:
 - an indicative timeline/timeframe for the proposed works;
 - the proposed layout of compounds inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and machinery;

- wheel and underbody cleaning facilities;
- routing of vehicles;
- measures proposed to reduce the potential for amenity impacts or nuisance (with specific reference to that requested by Brentwood Borough Council's Environmental Health Officer as part of their consultation response to this application); and
- measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater.

For the avoidance of doubt, this condition may be discharged in two parts, to enable the demolition of the existing building prior to the submission and approval of a Plan covering the construction phase.

Reason: In the interests of highway safety, nearby amenity, that construction works may lead to excess water being discharged from the site and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

16. No development shall take place until a detailed surface water drainage scheme and management plan for the site has been submitted to and approved in writing by the County Planning Authority. The drainage strategy subsequently approved shall be fully implemented prior to beneficial occupation of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of any SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment, 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 and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

17. The development shall be implemented in accordance with recommendations outlined within the submitted 'Phase I & II Geo-Environmental Assessment', produced by EPS, report reference: UK20.5245 (Issue 1), dated 26/02/2021. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy, in such an event, shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources and to comply with the NPPF and policy PC1 – Land Contamination of the Brentwood Replacement Local Plan (2005).

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, the commercial unit as shown on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21 shall only be occupied by the following use classes: Ea, Eb, Ec, Ee, Ef, F1b, F1d, F1e, F2b of the Town and Country Planning Use Classes Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification.

Reason: An alternative use of this unit has not been considered as part of this application and a different use could give rise to unacceptable amenity and highway impacts.

5. Paxman Academy, Paxman Avenue, Colchester CO2 9DQ

The Committee considered report DR/14/21 by the Chief Planning Officer.

The Chairman drew the Committee's attention to the Addendum to the agenda, and the Planning Officer also noted that there was an additional change not listed on the addendum for an amended site location plan at condition 2 as 16-0587-CDP-DR-ZZ-XX-L-9006 P1 – Site Location Plan – 28.6.19 was replaced by 16-0587-CDP-DR-XX-XX-A-2001-P4 - Site Location Plan - 23.6.17.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report and Addendum.

The Committee noted the key issues:

- Need
- Policy Consideration & Impact on Existing Playing Field
- Location and Layout of MUGA
- Impact on Residential Amenity
- Impact on Natural Environment
- Impact on Historic Environment
- Traffic & Highways

In accordance with the protocol on public speaking the Committee was addressed by Mr Brian Markham, speaking as an agent on behalf of the Applicant. Mr Markham made several points:

- The application sought to enable the provision of a broad and balanced PE curriculum irrespective of poor weather.
- This was not currently possible due to significant flooding in the site during winter months.

- The recalibration of the site as proposed would also allow the provision of clubs outside of core lesson times, designed to promote physical and mental good health.
- It was felt that the proposal submitted addressed concerns raised during the consultation, specifically –
 - That a full assessment had been carried out to explore all possible locations of the facility to balance the needs of delivering the curriculum whilst ensuring effects on the neighbours' property boundaries were minimised
 - That a 4.5m high mesh fence would be installed, to allow natural light into nearby gardens
 - A 2.5m high acoustic fence would be installed along the two identified elevations
 - No flood lighting was proposed
 - Realistic operation times were proposed to ensure no adverse impact to the community by potential use, which was felt to underline the commitment to maintaining positive relationships with all stakeholders in and around the Paxman Avenue area

Following comments raised by Members, it was noted:

- That the application was felt to be beneficial, both to pupils and in enabling use by the wider community.
- That it was felt that the applicant's stated desire to maintain positive relationships and ongoing communication with neighbours was helpful and appropriate.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor Harris and seconded by Councillor Jowers. Following a unanimous vote of twelve in favour, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992,

planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with details of the application reference CC/COL/100/19 dated 17 December 2019 and validated on 9 January 2020 together with drawing numbers:

- 6360-D-AIA Rev D – AIA & TPP – 3.12.19
- 6093-D-AIA Rev C – Prelim AIA – 12.12.19
- 9810/GA/01 Rev E – Proposed Synthetic Sports Pitch – General arrangement – 11.6.20
Option 2 Rev A – Proposed Synthetic Sports pitch General Arrangement – 17.3.20
- GA – 4.5mH 868 Rebound Bay GA Detail – 9.3.20
- 16-0587-CDP-DR-ZZ-XX-L-4006-C5 – Detailed Reference Plan – Visitor Entrance & Bus Parking – 19.2.20
- 16-0587-CDP-DR-ZZXX-XX-LA-9006 P1 P4– Site Location Plan – 28.6.19~~7~~
- 16-0587-CDP-DR-ZZ-XX-L-2003 P11 – BB103 External Areas Assessment – 4.12.19
- 16-0587-CDP-DR-ZZ-XX-L-4027 C2 – Detailed Reference Plan – AWP – 16.10.19

Together with:

- Acoustic Fence Information Sheet from Dawn Fencing Ltd
- Noise Impact Assessment Addendum Report (Ref: 19313/003/dd) prepared by AAD dated 28 May 2020
- Certificate of Calibration – MTS Calibration – 22 May 2019
- FIFA Quality Programme for Football Turf Duo Shape P+50 SBR – Limonta Sports S.P.A. – 30.6.16
- Limonta Sport Duo Shape P+50 Data Sheet
- Manufacturer Calibration Certificate (FL-18-070) NTi Audio AG – 3.9.18
- Planning Statement – Strutt & Parker – December 2019
- Supporting Statement – Sigma Trust – November 2019
- Noise Impact Assessment (Ref: 19313/001/dd) prepared by AAD – 26 November 2019
- Archaeological Desk Based Assessment (1497) – Colchester Archaeological Trust – November 19

and

- Email & attachments from Strutt & Parker 1 July 2021 12:59
- Letter from Strutt & Parker 7 July 2020
- Email from Strutt & Parker 1 June 2020 13:12
- Letter from Strutt & Parker (Ref 210184) dated 14 April 2020
- Email from Strutt & Parker 2 March 2020 16:03
- Email from Strutt & Parker 14 February 2020 16:28
- Email from Strutt & Parker 18 February 2020 15:45
- Letter from Strutt & Parker 9 January 2020
- Letter from Strutt & Parker 17 December 2019

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy DP1 (Design and Amenity), Policy DP14 (Historic Environment Assets), Policy DP15 (Retention of Open Space and Indoor Sports Facilities) and Policy DP17 (Accessibility and Access) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM4 (Sports Provision), Policy DM15 (Design and Amenity) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

3. The development hereby permitted shall be undertaken in accordance with the Arboricultural Method Statement & Tree Protection Plan (Project No: 6360) Rev D prepared by Haydens Arboricultural Consultants dated 13 December 2019 and Drawing Number 6360-D-AIA Rev D – AIA & TPP –

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

4. The development hereby permitted shall be undertaken in accordance with the Construction Management Plan Rev 2 prepared by Barnes Construction dated November 2019.

Reason: To minimise the risk of flooding, in the interests of highway safety and to minimise impact on local amenity and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

5. The planting details as shown on Drawing Number 16-0587-CDP-ZZ-XX-L-3001 C11 (Landscape General Arrangement Plan) dated 16 October 2019 shall be fully implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted and maintained thereafter in accordance with Condition 6 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

6. Any tree or shrub forming part of the landscaping scheme approved in connection with the development under Condition 5 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

7. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

8. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 7. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

9. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 8.

Reason: To enable the preservation (by record) of any archaeological

remains and to comply with *Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

10. Within 3 months of the completion of the fieldwork, the applicant shall submit to the County Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

11. The use of the development hereby permitted shall only be carried out during the following times:

- 08:00 hours to 20:00 hours Mondays to Fridays
- 09:00 hours to 18:00 hours Saturdays
- 10:30 hours to 18:00 hours Sundays

And at no other times or on Bank or Public Holidays.

Reason: In the interest of residential amenity and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

6. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/15/21; applications, enforcement and appeals statistics, as at the end of June 2021.

The Committee NOTED the report.

7. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 27 August 2021, to be held in the Council Chamber, County Hall, Chelmsford. Further information on Committee training would be circulated.

There being no further business, the meeting closed at 11:55am.