

AMENDMENT SHEET

Planning Committee

28 September 2017

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 171457 – Lakelands Phase 2, Church Lane, Stanway

Since the preparation of the Committee Report a further meeting has been taken place with the applicant and their agent. This meeting had a positive outcome and further improvements to both the layout and house types have been secured. The amendments include further reducing the visual impact of the parking spaces by relocating some spaces and the introduction of tree planting; and further architectural detailing to the house types in particular the landmark buildings at the junction of Plover Road and Nuthatch Chase.

Highway Authority has considered the revised drawings and now raises no objection subject to a condition and informatives, these will be added to the decision notice should Members agree the recommendation. The Highway response is set out below

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirement:

1. *Prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:*
 - a) *2.4 x 33 metre visibility splays and the main junctions and 2 x 20 metre visibility splays at the private drives with any obstructions relocated clear of all splays*
 - b) *All parallel visitor and off-street designated parking spaces at or above the minimum sizes as set out in the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009*
 - c) *The carriageway a constant minimum 6 metres wide*
 - d) *A minimum size 3 turning head outside plots 30 – 32*
 - e) *The private drives for plots 46 & 49 at right angles to the highway*
 - f) *The footway outside plot 1 terminating a minimum 2 metres beyond the ramp*
 - g) *Tree root protection dimensions for any tree proposed within 1.5 metres of highway*

The development shall be carried out in accordance with the approved drawings

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Informatives

- The above requirement should be imposed by way of negative planning conditions or planning obligation agreements as appropriate*
- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority*
- All highway related details should be agreed with the Highway Authority*

Environmental Protection have considered the revised information and have responded as follows

"With reference to the Cass Allen Associates Ltd report titled 'Noise assessment Plot NE2, Stanway, Colchester, Cala Homes RP01-17291 revision 3 dated 14th September 2017.

The report and the accompanying information are very clear and well-presented using appropriate and detailed modelling. Environmental Protection Are satisfied that the details provided in paragraphs 4.7, 4.26, 4.27 and APPENDIX 4 of the Cass Allen report ensure that appropriate glazing and ventilation (Both passive and mechanical as required) are suitable to ensure that internal noise is not likely to pose a risk to the health wellbeing and amenity of the properties. The fence specification in paragraph 4.34 of the report is considered appropriate. I am therefore satisfied that the reserved matters relating to noise can be discharged".

7.2 171646 – Aim Hire Site, Hawkins Road, Colchester

Members are advised that the **Environment Agency** has advised that it has no objection to the application as submitted, providing the LPA is satisfied the development will be safe for its lifetime. The Agency also recommends the inclusion of conditions on a grant of planning permission as follows:

Condition 1

The development permitted by this planning permission must be carried out in accordance with the approved Flood Risk Assessment (FRA) referenced FRA-20653- 17-63 and dated June 2017 and the following mitigation measures detailed within the FRA:

- 1) Finished first floor levels are set no lower than 7.8 metres above Ordnance Datum (AOD).*
- 2) Finished ground floor levels are set no lower than 3 metres above Ordnance Datum (AOD).*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To reduce the risk of flooding to the proposed development and future occupants.

The following informative is also included:-

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The River Colne, is designated a 'main river'.

Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

If you require assistance, you may contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: floodriskactivity@environmentagency.gov.uk

Essex SuDS Team has advised it has no objections subject to the imposition of conditions as follows:

Condition 1

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 approved in writing by the local planning authority. The scheme should include but not be limited to:

- *Limiting discharge rates to the Greenfield 1 in 1 or where this is demonstrated unviable to at least 50% betterment for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.*
- *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 40% climate change event.*
- *Final 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 and highlighting any minor changes to the approved strategy.*

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*
- *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.*

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

No works shall take place until 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.

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.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

The following informatives are also included:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.*
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.*
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.*
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.*
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.*
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.*

7.3 162442 – Cosways Holiday Park, Fen Lane, East Mersea

1. Comment received from the **Env Agency**. No Objections. Makes comments about Disposal of foul water and suggests a condition about foul water disposal. Also states that the granting of planning permission does not guarantee the granting of an Environmental Permit.
2. One letter of objection making the following points:
 - hoping the council looks beyond the very well constructed proposal documentation and realises this is no more than a very well constructed document but full of corporate bravado which underplays the impact and issues it will mpose on East Mersea. Emphasis on public transport is laughable with one bus per day! And economic benefit to jobs? How? An additional part time shop assistant?
 - Apart from the impact to Cudmore Grove (lighting and noise will impact the wildlife) there needs to be a council controlled process which police's the residency so that the park does not morph into a permanent residency village. This is equally applicable across all parks on the island. Currently the council "buries it head in the sand" to this issue and although everyone on the island knows there are permanent residents there is no control or process to monitor. Basically it is out of control and this proposal will exacerbate the issue.
 - Overall just another money making corporate endeavour which will erode the fabric of Mersea Island.

7.4 171172 – West End Garage, High Street, Dedham

Three further representations have been received. These all objected to the scheme for similar reasons to the objections already set out in the report.