

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
19 March 2009 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the press)

**Pages**

**11. Amendment Sheet**

**15 - 19**

See Final Amendment Sheet.



# **AMENDMENT SHEET**

**Planning Committee  
19 March 2009**

## **AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED**

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

#### 7.1 082124 – Essex Hall Road, Colchester

Trees and Landscape Officer confirms additional landscaping details are generally satisfactory but will need to be adapted to reflect increasing planting adjacent to proposed footway/cycleway (further details now submitted).

Natural England have confirmed they are minded to withdraw their objection to the scheme but note that the site has been cleared for knotweed eradication purposes and these works should have been informed by an appropriate ecological survey.

The Countryside Project Officer affirms that the clearance of knotweed does not negate the need for in-depth ecological study of the site as a whole. Trees and vegetation remain around the site perimeter and the finger of land extending towards Westway. This habitat may still harbour important species such as bats and amphibians.

The Environment Agency have withdrawn their objection to the proposals by letter dated 16 March 2009. Factors include:

- The availability of safe refuge for occupants of building in event of extreme 1 in 1000 flood event on site.
- Compensatory storage of flood waters achieved for area of flood plain lost.
- Essex Hall Road to be raised above flood levels to allow safe access and egress at times of flood.

Additional conditions recommended:-

1. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation detailed within the FRA.
  - Provision of compensatory flood storage of 1700 sq.m as indicated on drawing number 016627/P/VC/001 to allow for the displacement of water due to the land raising of the site and land indicated on drawing number.
  - Land identified in the vicinity of Essex Hall Road providing access to the site shall be raised above flood levels in accordance with drawing number 06/01/032 to allow for safe access and egress at the site during times of flooding.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to ensure safe access and egress from and to the site.

2. If during development, contamination not previously identified or suspected, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for a Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment.

Additional Informative:

This planning permission does not absolve the applicant from complying with legislation relating to biodiversity and protected species and they must obtain and comply with the terms and conditions of any licenses required as described in Part IV B of Circular 06/2005 and referred to in correspondence with Natural England as a result of their consultation responses.

7.2 072007 – Fields Farm Road, Layer de la Haye

Second recommendation should read:-

“Secondly

An appropriate obligation/s under S106 of the Town & Country Planning Act 1990 (as amended) is/are satisfactorily entered into to ensure that;

- (a) occupation and ownership of the proposed house is only by persons owning and operating the associated equestrian business on the adjacent site and the equestrian business is not sold, let or otherwise disposed of independently of the permitted house once implementation of that planning permission has commenced; and
- (b) provision is made for the appropriate Open Space, Sports and Recreational Facilities SPD contribution payment”

A letter has been received from Linda S Russell, Solicitor for Mr Barry Pettican (please see attachment)

7.3 082132 – Nayland Road, Great Horkesley

The Officer’s recommendation is varied to delete the requirement for a contribution to Open Space Sport and Recreation as this was added to the report in error. Officers considered that the proposal did not generate a need for a contribution because it formed part of a larger site ( the Horkesley Green development) where substantial planning gain benefits had already been secured, including public open space, and because previous alterations to the approved scheme had resulted in the loss of two approved housing units.

**7.4 082152 – 10 Manor Road, Wivenhoe**

**Amended drawings have now been received. These show a swept brick arch, brick plinth to the front elevation, projecting brick on edge, brick corbels and a brick chimney. The plan also states that the low brick wall will match the wall of the adjoining property.**

**These amendments are held to enhance the scheme, which is recommended again for approval, but with the following replacement condition 02:**

- 2) The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing no[s]499/1/b dated December 2008, received 9 March 2009.**

**Reason: The original plans were unsatisfactory because the design was considered to be unimaginative and unsympathetic with its surroundings.**

**7.5 090064 – First and Second Floor, 17 Head Street, Colchester**

The address of the application site should properly be described as “first and second floors of 15, 17 and 19 Head Street”

**For purposes of clarification, the existing hours of use (as relating to the basement and ground floor) are as follow:**

- Sundays to Thursdays inclusive, 10:00 – 00:30 the following day;**
- Fridays and Saturdays – 10:00 to 02:30 the following day;**
- Christmas Eve, Boxing Day and New Years Eve – 10:00 to 02:30 the following day;**
- Sunday falling immediately before a Bank Holiday Monday – 10:00 to 02:30 the following day.**

**7.7 090081 – Daniels House, 146 Straight Road, Colchester**

Application withdrawn by agent/applicant.

**7.8 090126 – Former Caretakers Bungalow, Clay Lane Grove, Colchester**

There is a need to clarify the proposal in terms of the application description. The applicant is working on the assumption that the previous use has been implemented because the car park expansion that was required as part of that permission has been constructed already. However, it is not considered that this represents commencement in terms of the planning definition. The caretaker's bungalow has not yet been used as a nursery, which was the main element of the permission, therefore the use has not yet changed despite the planning permission. On this basis, what is actually being recommended for approval is not strictly a variation to the previous condition limiting hours, but a new permission for the whole proposal, including the change of use. The description should therefore reflect this and should read along the lines of:

**“Use of the former caretaker's bungalow as a children's nursery and for other child education purposes between the hours of 08:00 and 18:00 on school days”.**

**7.9 081644 – Weston Homes Community Stadium, United Way, Colchester**

Development description in header should read:-

“Variation of condition 37 attached to O/COL/01/1622 to allow use of the stadium's internal concourses for the holding of a monthly farmers market on the first Thursday and an annual Christmas fayre and the variation of condition”

**Agenda Item 8 – 26 Hythe Quay, Colchester  
Item withdrawn by Head of Environment and Protective Services**