

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
2 October 2008 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the press)

**Pages**

**10. Amendment Sheet**

See Final Amendment Sheet.

**No Page  
Numbers**



# AMENDMENT SHEET

Planning Committee  
2 October 2008

## AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

Appendix 1 at pages 15-22 of the Agenda relates to item 7.2, rather than 7.1 and should have been inserted at the end of item 7.2 (page 29).

Please accept our apologies for this error.

#### 7.1 081254 – Lodge Farm, Boxted Road, Great Horkesley

- (1) A S106 Agreement signed in 1999 requires the provision of passing bays and restricts vehicles involved in or connected with the transport of finished onion products to and from the site. Such vehicles should not travel to the east of a point marked A on the drawing. Point A is the existing access used for HGV lorries. The proposed access is the East of Point A and therefore conflicts with the S106. A new agreement is being prepared which will allow vehicles to travel from the new access point to the East (ie to the A134).
- (2) The applicants have advised that they endeavour to ensure that vehicles comply with the S106 requirement but do not have absolute control over drivers outside their employment. They suggest that at least 95% of finished onion vehicles access the site from west of point A.
- (3) Amendment to wording of Condition 5: 'Within 3 months of the completion and use of the new access the existing access (approximately 30m west of Lodge Farm House) shall be altered in accordance with approved drawing no 1336:03:02 Rev C which includes the reconstruction of the grass verge opposite the access and construction of a low brick wall across the eastern half of the access making the entrance to the staff car park no wider than 6 metres. This work to be completed to the satisfaction of the Highway Authority.'

- (4) Amendment to wording of Condition 7: 'The hereby approved development shall not be occupied until a Travel Plan, which shall include monitoring and payment of a monitoring fee of £3000, has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority.
- (5) Revised drawings have been received detailing the amendments required by Highways and revisions to the landscaping scheme. The Landscape Officer has indicated that he is satisfied with the amended landscaping scheme. The Highway Officer has no objections to the revised drawing.
- (6) The Recommendation to this item is amended: Subject to completion of the new agreement before the 10 October conditional planning permission be granted.

**7.3, 7.4, 7.5, 7.7 – 080710, 080712, 080713, 080717 – Flagstaff Road, Colchester**

**The applications for the redevelopment of Area B1b include a proposal for closing St John's Abbey Gatehouse to vehicular traffic accessing the Officers Club. The Council's solicitor has advised that, because this proposal affects a third party, it will be necessary to secure this arrangement via a new legal agreement. It is therefore advised that the recommendation as set out in the committee report is amended to include the requirement for the developer (and other interested parties) to enter into a legal agreement to secure the cessation of the Officers' Club access rights through the gatehouse once Taylor Wimpey or any other developer constructs a new road from Napier Road through the Flagstaff complex.**

**7.8 081053 – 10 Williams Walk, Colchester**

**The committee report details issues related to overlooking from 3 south-facing first floor windows on plots 1 and 2. Since the report was written amendments have been sought to address this situation in a more appropriate manner. It is now proposed that the bedroom in plot 1 have one high-level window and one blind window on the front elevation as the bedroom is served by a side window in any case. For plot 2, it is proposed that the front window be replaced with a three-part bay window, with the central section facing directly towards the neighbour being obscure glazed. The side facing sections of glass would then be plain glass as these face out at 45 degree angles.**

In terms of the conditions, these changes mean that conditions 14 and 15 should be removed. Instead, the following condition should take their place:

**Condition 14: A7.11 No New Windows**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings other than those expressly authorised by this permission shall be constructed in the south facing wall of plots 1 and 2 as identified on the plans hereby approved.

**Reason:** To protect the amenities and privacy of adjoining residents.

**Condition 15: C1.4 Details of New Windows**

The windows used in the development shall be exactly as detailed on the approved amended drawing 602/03B and all external window joinery shall be formed in softwood and shall have a white painted finish, unless otherwise agreed in writing by the local planning authority.

**Reason:** To protect the amenities and privacy of adjoining residents.

**Items 7.8 & 7.9 – 081053 & 081054 - 10 Williams Walk, Colchester**

The committee report states that the report was referred to the planning committee as a consequence of objections received. However, for the record it should also be stated that it has since come to attention that the applicant is married to a Councillor currently sitting on the Planning Committee. This would have required that the application be determined by committee in any case.

**7.11 081414 – 14 Rosebery Avenue, Colchester**

**Amend Condition 02 to read:**

**“Prior to the commencement of development a sample of the clay pan tile shall be submitted to and agreed by the Local Planning Authority. The development shall be carried out using the approved material.**

**Reason:** To ensure a satisfactory form of development

*Officer Comment: Clay pan tiles are on the existing dwelling house and a similar material is appropriate on the new dwelling.*

**7.12 081451 – High Timbers, Malting Green, Layer de la Haye**

The case officer has contacted Natural England and CBC Natural History Curator regarding newts on the site. As there are ponds close to the site this is a possibility. The applicant is aware of this and is preparing a Phase 1 ecological survey

Officers are aware that members have been sent an e mail and this will referred to in the presentation

**Amendment to recommendation:**

Defer for the submission of an ecological study. If this issue is satisfactorily resolved before 14 October (the 8 week determination period) the application be determined under delegated powers subject to the conditions on the amendment sheet and any additional conditions.

If it is not resolved the application will be refused due to insufficient information to determine the impact of the development on a protected species.

**7.13 081325 – Mythian, 4 Parsons Hill, Colchester**

Original recommendation of the Highway Authority (HA) has been amended. It is now not considered necessary for the new footway to run right down to the southern site boundary, however the footway facilities on the junction need to be upgraded. A plan showing the highway improvements will be available at the Committee meeting.

On the basis of this amended advice the recommended reason for refusal should be deleted.

**The HA recommend that the developer deposits with the County Council the sum of £2000 to be held for a period of 5 years to pay for any traffic regulation order needed to control inappropriate vehicle parking in Parsons Hill caused as a result of this development. This contribution has not been secured. Therefore permission should be refused for the following reason:-**

**“The Local Plan Policy DC1 ( c) and (d) require that developments shall provide for safe facilities for cyclists and pedestrians and that the highway network is able to accommodate safely the extra traffic generated by proposed development. Policy CF1 requires developments to make appropriate infrastructure contribution. County Council as the Highway Authority has recommended that a developer contribution of £2000 to be held for a period of 5 years to pay for any traffic regulation order is needed to control inappropriate vehicle parking in Parsons Hill caused as a result of this development. The proposal does not include a mechanism to secure satisfactory provision of the required works to the highway. The application is therefore contrary to the aforementioned policies.**

**Informative to be added:**

**“Whilst not forming a reason for refusal the applicant should be aware that the Highway Authority require footway improvements to Church Lane/prasons Hill as shown on the returned plan.”**

**Leisure Services advise that a contribution of £23,000 is required in accordance with SPD Open Space, Sport & Recreation. The application as submitted is not accompanied by the required Unilateral Undertaking appertaining to this SPD. Whilst the Applicant has confirmed that this contribution is acceptable in principle, the application would need to be refused in line with current procedure and this reason added to the recommendation:-**

**“The proposal has not secured an appropriate planning obligation that makes provision for the costs of the development in terms of a contribution towards open space, sports and recreation facilities in accordance with Policies CF1 and L5 of the Adopted Review Colchester Borough Local Plan March 2004 and adopted SPD.”**

Two further objections have been received from:-

**1. The occupier of 8 Parsons Hill** - The number of objections/signatures illustrates depth of local feeling against the impact of this development upon the character of the area, Conservation Area, and the existing trees. Contrary to Local Plan strategy to resist development that could destroy valued local features and to protect & enhance important natural resources, and Conservation Areas.

Residents concerns relating to the dangerous road junction and the impact of increased traffic plus on-street parking do not appear to be shared by the Highway Authority.

*Comment: The aforementioned concerns relating to the impact of the development upon the character of the area and the existing trees have been addressed in the Committee report.*

*In their consultation response the HA advise that the accident data for the junction of Church Lane & Parsons Hill shows that over the 61 months between 30/04/2003 and 31/05/2008 no accidents were reported to Essex Police on this junction*

**2 – Occupiers of North View, 6 Parsons Hill** reiterate concerns about overlooking of their lounge (north facing), dining room windows, and garden from windows in the flank wall of the new building fronting Parsons Hill.

The plans also show verandas projecting from all 3 floors of this building. These will directly overlook the front garden of North View and the gardens of the neighbouring property.

The plans should be amended so that their amenity is not violated.

*Comment: The verandas on the front elevation of the building fronting Parsons Hill are set forward of the front elevation of 6 Parsons Hill and face out onto the public realm. They do not directly overlook the rear garden of 6 Parsons Hill.*

*The south facing elevation of this new building contains 4 windows , 2 serving toilets and 2 as secondary light sources to living rooms, at ground floor and first floor.*

*The ground floor windows are screened by an existing hedge planted along the common boundary.*

*Any overlooking from the toilet windows can not be protected as these are not classed as habitable rooms.*



**With regard to the two small windows serving the ground floor and first floor living rooms, these are classed as habitable rooms. The ground floor will be screened by the existing hedge. The Essex Design Guide (Supplementary Planning Guidance) recognises that overlooking from upper storey living rooms should be safeguarded against. In this respect it is acknowledged that the development does not comply with this SPG. An additional reason for refusal is recommended accordingly:-**

**The proposed development incorporates upper storey living room accommodation overlooking habitable rooms within an immediately adjoining dwelling house thereby resulting in a loss of privacy to this dwelling contrary to policy UEA13 of the Adopted Review Colchester Borough Council Local Plan March 2004 and adopted supplementary planning guidance.**

**Existing Reason for Refusal No. 3 – after species insert “and is therefore contrary to the above Local Plan policy and guidance in PPS9”.**

**Amend Reason for Refusal No. 1**

**The Adopted Review Colchester Borough Local Plan March 2004 Policy DC1 (e) will permit development only if it will not lead to the loss of degradation of important, cultural, historic, ecological or rural resources, unless alternative compensatory provision acceptable to the Council is to be provided. Furthermore the Local Plan Policy C04 requires that development schemes should protect existing landscape features such as trees, hedges, ponds, woods, wherever possible. Where this is not possible compensatory provision will be required. The site is subject to a Tree Preservation Order and the development will result in the removal of protected trees.**

**In addition, the application as submitted contains insufficient information to enable the Council to satisfactorily assess the full impact of the development, and in particular the impact of the excavation and alterations to the existing ground levels, associated with the development.**

**Furthermore the proposed buildings are to be located in close proximity to the existing and protected trees within the site. This proximity is likely to have a significant impact upon the amenity of the future occupiers of the development to the extent that this is likely to give rise to pressure to lop and/or fell these trees.**

**The site occupies a prominent and sensitive location within this established residential area. It contains the remnants of an ancient woodland, together with other trees within the vicinity, which contribute significantly to the particular character and visual amenity of this otherwise suburban landscape. Having regard to all of the aforementioned circumstances the Council consider that the development is likely to have a significant and adverse impact upon the established and protected trees within the site to the detriment of the appearance and character of this leafy residential area. The application is therefore contrary to the aforementioned policies.**

Late Item – 081157 – Bramble House, 8 Church Street, Colchester

The applicants have provided the following additional information-

“May we ask that the following be added to any information given for that meeting as we are unable to attend due to prior engagements and the short notice provided as we believed the matter was settled by 9 September 2008 as informed earlier.

We understand the concerns of the Civic Society but can assure you that this is far from detrimental to the building and certainly not based just on COST. The valley behind the parapet wall is lined with lead and very well hidden. The first theft was disturbed whilst attempting to lift this larger amount of lead, damaging the slates in the attempt. The second theft caused even more damage to the roof and slates and parapet wall. The rear of the property is monitored by CCTV from the Odean, but this did not deter the thieves on either occasion. Our application is to help protect the listed building that sits in a commercial area that is quiet and vulnerable during out of business hours.”