

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
10 July 2008 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the press)

Pages

9. Amendment Sheet

See Final Amendment Sheet.

**No Page
Numbers**

AMENDMENT SHEET

Planning Committee
10 July 2008

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

**7.1 080834 – Former Armstrong Pumps Works, Peartree Road,
Stanway**

Extra condition:

- 14) Hours of use of the site shall not be outside of the following hours: Car sales: Monday to Friday 06:30 – 20:00, Saturday 07:00 – 18:00, Sunday/Bank Holidays 10:30 – 16:30; Repairs: Monday to Friday 06:30 – 18:00, Saturday 07:30 – 13:00 and at no time on Sunday, Bank Holidays. Reason: For avoidance of doubt and in the interests of the amenity of nearby properties.**

7.4 080964 – 21 St Peters Street, Colchester

The Archaeological Officer has considered further information on archaeological impact submitted by the applicants and has confirmed that he is satisfied that the foundations and the treatment of the town wall will not impact upon the known archaeological deposits proven to exist on the site.

Additional Conditions

The ground works associated with the development shall be carried out fully in accordance with the detailed foundation design drawing numbered 5456/SK10 submitted with the letter dated 23 June 2008 and received on 24 June 2008 from Grafik Architecture Ltd.

Reason: To prevent risk of damage to archaeological remains of acknowledged importance.

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

REASON: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

No works or development shall take place until full details of both hard and soft landscape proposals including details of the planting for the fence support on the Northgate Street boundary have been submitted to and approved in writing by the local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design

The works hereby approved shall be carried out in accordance with the submitted Arboricultural Implication Study and Method Statement Report dated 15 November 2004 as updated by an amended tree survey and arboricultural implication drawing numbered 06.08.2153 dated 25 June 2008.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

The planters approved on the frontage of each of the units shall be implemented in accordance with the approved details and shall be retained permanently thereafter.

Reason: In order to maintain a satisfactory standard of visual amenity on the frontage and prevent the provision of additional car parking space.

Highway Authority Comments

There have been discussions between the applicants and the Highway Authority over the latter's request for a 2 metre wide public footway and visibility sight splays for vehicles entering/leaving the highway. These have been concluded and agreed except with regard to the provision of the wider footway.

The applicants are unwilling to provide a 2 metre wide footway on the basis that the existing footway is less than this and the present width is consistent with footway widths on either side of the development. Also, setting back the building to provide the extra width would also reduce the rear gardens further which is considered undesirable in terms of their amenity. Officers consider that a compromise is appropriate in this case and Members are therefore requested to endorse your Officers view that the Highway Authority's request for a widened footway up to 2 metres not be insisted upon on this occasion. However, it is recommended that a width of 1.8 metres be provided which is consistent with footway widths further along the street.

The relevant highway conditions are therefore as follows:

Prior to the occupation of the development visibility splays with dimensions of 2.0 metres by 35 metres (west-bound) and 2.0 metres by 40 metres (eastbound) as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access points. The area within each splay shall be kept clear of any obstruction exceeding 600 mm in height at all times.

Reason: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Policy 1.1 in Appendix G to the Local Transport Plan.

Prior to the occupation of the development the footway along the St Peters Street frontage shall be improved and widened to measure no more than 1.8 metres in width for its full length.

Reason: To ensure an appropriate pedestrian facility is provided in accordance with Policy 3.4 of Appendix G to the Local Transport Plan.

Prior to the occupation of the development 1.5 metre x 1.5 metre pedestrian visibility sight splays as measured from the highway boundary shall be provided on both sides of all of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Policy 1.1 in Appendix G to the Local Transport Plan.

No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy 1.1 in Appendix G to the Local Transport Plan.

Any garage doors provided at the vehicular access shall be set back a minimum of 6 metres from the highway boundary.

Reason: To enable vehicles using the access to stand clear of the carriageway/footway whilst doors are being opened and closed in accordance with Policy 1.1 in Appendix G to the Local Transport Plan.

Prior to occupation of the development details shall be submitted to and approved in writing by the LPA showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before any of the accesses are first used and shall be retained at all times.

Reason: To prevent hazards caused by flowing water or ice on the highway in accordance with Policy 1.1 in Appendix G to the Local Transport Plan.

Informative:

All works affecting the highway are to be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority and application for the necessary works shall be made initially by telephoning 01206 838600.

7.5 080968 – Park Lane Farm, Park Lane, Langham

The proposal to divide the existing single storey barn into 6 no. office units has been withdrawn by the applicant. A revised scheme is expected in due course with an amended parking and turning area. They had not been able to provide the required amended plans within the timescale of the withdrawn application.

7.6 081104 – 4 The Crescent, Great Horkesley

Email from objector drawing attention to various sections of the Local Plan and SPD Extending Your House

- 1) Overbearing - 2 storey extensions shouldn't infringe a 45 degree line from nearest corner of adjoining dwelling. This rule is breached.
- 2) Overshadowing zone - *"As I see it, this would indicate that the outlook from the three windows in my property, being in such close proximity to the wall of no.4 facing our property, should be clear of any obstruction beyond a line drawn at 45 degrees from the centre of those windows. Any thing less would be a denial of the reasoning behind this ruling. Please note that this also applies to the neighbouring property on the other side of no.4, where a first floor bedroom window close to the boundary with no.5 is not shown on the submitted drawings. The drawings in the document (EYH) Indicate that the line is drawn from the neighbouring properties window, not the proposed building as indicated on the applicant's original drawing. This appears to indicate a misinterpretation of the rule on the part of the applicant's agent."*
- 3) Privacy – neighbours should be given a reasonable amount of protection from new development which reduces their privacy. Patio areas behind houses require the greatest protection. Back to back distances of 25 metres should be achieved etc. – *"I believe that the 1st floor window of extension would not comply with respect to no. 3."*
- 4) Policy UEA 13 – *"All or some of the above are relevant to this application in respect of my own property and/or no. 3"*
- 5) Policy H8 – *"One of the reasons given for the refusal of the previous application was the above ruling. This may apply to certain aspects of the current application. In particular, I am concerned at the size of the combined previous extension built in 1999 and the proposed extension in relation to the original dwelling, which seems excessive"*
- 6) *"In addition to the above points, some discrepancies and inaccuracies in the drawings submitted lead me to be concerned as to whether they are a reliable representation of the final building. I also wonder if part of the reason for extending the property in this way is to enhance the value of the property, which at the same time could have a detrimental effect on the value of my own property."*

The full text of the email is available on line.

OFFICER COMMENT:

- 1) This breach is addressed in the Committee Report
- 2) 45 degree and 25 line lines have been used to assess impact on light. Some of the annotation on the originally submitted drawings indicated 45 degree lines that were not as per the policy. These were not used during any assessment of the application.....
- 3) Unclear as to which of the first floor window is being referred to in this statement. The first floor window facing the objector's property is obscurely glazed. There is a first floor window facing No3; no objection has been made to this window.
- 4) Agree that this Policy is relevant
- 5) Application site is in Village Envelope so H8 is not relevant
- 6) There were discrepancies in the revised drawings. A subsequent drawing amending the detail of an existing window and the projection of the proposed first floor as been submitted.

7.7 081069 – Land adjacent to 19 Cherry Chase, Tiptree

Amended Drawings received showing the proposed house moved 2 metres further away from the Horse Chestnut tree. The Arboricultural Officer has reviewed these drawings and is now satisfied that these address his concerns relating to the impact upon this tree subject to the following conditions:-

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

The construction shall take place solely in accordance with the terms of the Methodology Statement received 2nd June 2008, which forms part of this permission, and no other works shall take place that would affect the trees unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and in order to safeguard the existing Horse Chestnut tree and its contribution to the visual amenity of the area.

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the proposed development is visually satisfactory and enhances the appearance of the locality.

Informative

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction and Demolition Works for the avoidance of pollution during the demolition and construction of works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of works.

The obligatory Unilateral Undertaking (Open Space) has been completed and signed.

Additional neighbour consultations relating to the relocation of the dwelling within the site have been carried out. The consultation period expires on the 10th July and no objections have been received.

Amend Recommendation:

Recommendation – Defer and delegate to Head of Environmental & Protective Services to Approve the application subject no objections being received by the 10th July, and to conditions as set out in the report plus the two additional conditions as requested by the Arboricultural Officer.

Members are advised that this application was advertised as a departure from the Local Plan. The expiry date for the advertisement is 11 July. Furthermore, the renotification period of neighbours on the amended position for the proposed dwelling expires today i.e. 10 July. Therefore, the recommendation to Members is amended to the following:-

"Defer and delegate to Head of Environmental and Protective Services to approve the application (with conditions as previously set out and as requested by the Arboricultural Officer) subject to no objections being received by 12 July. If objections are received within the identified period, that raise material issues not covered in the officer's report to Committee, the application will be presented to Committee on 24 July for determination."

7.8 O/COL/06/0740 – Roberts Farm, Fordham Road, Mount Bures

One additional neighbour response added – No objection to the proposal on condition that there is only one house on the site at any time. The temporary accommodation should either be removed completely or scaled back to the original office use only.

Officer response: This is dealt with by proposed condition 8 in the Recommendation.