

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
19 May 2011 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

12. Amendment Sheet

103 - 109

See Amendment Sheet attached.

AMENDMENT SHEET

Planning Committee
19 May 2011

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

7.1 100502 – Severalls Hospital, Boxted Road, Colchester

A revised drawing package has been submitted following meetings with Ward Councillors and local residents' representatives:-

The key changes that have been made to the scheme are as follows:-

- Changes to Plots 231-244.
- Change to green link into the site.
- Change to homezone area (agreed in principle prior to March 2011 Planning Committee).
- Change to area adjacent to pond near Mill Road entrance (trees relocated and car parking arrangement reviewed) (agreed in principle prior to March 2011 Planning Committee).

The changes to Plots 231 to 244 (adjacent to Thomas Wakley Close) result in the following:-

- Provision of 2 storey three bedroomed accommodation.
- Reduction of the average ridge height by 2.5m.
- Reduction of the scale and massing of the dwellings.
- Provision of a physical break in the frontage to allow full visual permeability.
- Reduction of floor area by approximately 1,800 sq.ft. which equates to the equivalent of two dwellings.

In relation to the bus gate design the agent has provided the following information:-

“It was initially expected that ECC would require a physical gate/barrier to control unauthorised movements, with buses activating the gate by transponders fitted to buses.

ECC advised that they prefer not to install barriers (which need maintenance and which require a remote override capability etc) instead preferring to use statutory road signs/TROs/roadmarkings with

a possibility of a CCTV facility to monitor whether any illegal use is being made of the “bus gate”

As such, it is expected that a Condition will require details to be finalised during development detailed design to ECC requirements, with the bus gate being installed and legally operational prior to occupation of the 76th dwelling (following Phase 1A use of the Mill Road junction for site access).”

As regards off-site drainage requirements, the recommendation shall include a requirement that the contribution for this work, as identified at 15.1 (2) in the Report, be secured by a unilateral undertaking before planning permission is issued.

Note – In the second line of Paragraph 8.9 “regarding” should read “regrading”. Also, in Paragraph 15.1 (1) “Lower Lane” should read “Tower Lane.”

7.4 100383 – Nos. 9, 11, 13, 125, 135, 137 & 139 Albany Gardens, Colchester

Following the receipt of the letter from Ellisons the application has been withdrawn from this meeting. However Members should be aware that although the letter says no reply was sent to an email dated 5th January 2011 this is incorrect as a reply was sent on the 12th January 2011, furthermore the Spatial Policy team has sought legal advice from counsel on an informal basis. The application will come back to Members providing further clarification on the justification for the affordable housing contribution.

7.5 110573 – 61-67 Rectory Road, Wivenhoe

Amended Plans received. This plan shows-

- **3 additional spaces for visitor parking**
- **11 spaces for the existing B1/B8 use**
- **Parking spaces to current minimum size (2.9m x 5.5m)**
- **Bungalow on Plot 6 moved further from boundary with No.113 Ernest Road.**

Letter received from the Applicant clarifying the existing commercial use and the parking provision which states:-

“We have been made aware of the consultation response from Adam Garland, Essex County Council Highways in respect of the above application and must firstly apologise for indicating that the current activities fall within Use Class B1 – in reality we believe the uses are equally divided between B1 and B8 and was on the basis that the level of car parking was arrived at.

Secondly the level of car parking has been based on 300 sq.m. of storage (1 per 150 = 2 spaces) and 270 sq.m of offices (1 per 30 = 9 spaces) giving a total of 11 spaces as shown on the latest plan 9052/220/A). It is possible to incorporate a further space to the front of the warehouse to give a total of 12 spaces to fully accord with the current standards for the commercial aspects.

The submitted plan clearly denotes the uses of the 2 commercial buildings and it was on this basis that the calculation was based and trust the foregoing removes any uncertainty.”

The Highway Authority would raise no objections subject to the following:-

“All housing 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 the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the north and 2.4 metres by 90 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety to accord with policy DM1 of the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

- **Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.**
Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
- **Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.**
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
- **Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading and manoeuvring shall be provided and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.**
Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
- **No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.**
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- The vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety to accord with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, 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 DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
- Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety to accord with policies DM6 and DM7 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- No works in connection with the proposed development shall commence until such time as the Highway Authority has received a contribution for the sum of £5000 to be used for sustainable transport infrastructure improvements.
Reason: To make adequate provision for the additional highway traffic generated as a result of the proposed development and to accord with policy DM17 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- **Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4.8 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway verge**

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

INF01: All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Area Highways Manager (01206 838600)."

Condition No. 2 Delete drawing No. 220 and insert 220/B

The occupiers of 113 Ernest Road, Wivenhoe have submitted a further letter of objection. This letter reiterates concerns regarding the impact of the increased traffic that will use Rectory Road, which already suffers from parking within this road, thereby reducing the road to a single carriageway width. With regard to possible access from Plot 6 onto Ernest Road, there has always been potential for an infill plot. The fact that there is no No.111 demonstrates this. This access will enjoy good visibility in both directions.

The occupiers of this existing bungalow also stress the adverse impact upon rights to light, privacy, amenity, and disregard to inevitable damage to their boundary fence, trees, drainage and foundations. If this application is approved they may have to resort to legal action against the Council. Plot 6 should be moved further from the boundary or deleted from the scheme.

They also comment on disposal of surface water, and that this will presumably be via soakaways but this may be an issue as it may not be possible to locate a soakaway more than 5 metres from any dwelling. Concern is also expressed as to any gutters abutting their property being blocked by leaves and resulting in overspill, and subsequent damp, to their property.

Additional condition:-

Nothwithstanding the detail shown on the amended drawing number 200B, an additional drawing shall be submitted to show an improved visual appearance to the parking area located to the rear of Plots 1 to 5. These details should include the surface treatment and details of any means of enclosure to these spaces. The details shall be submitted prior to the commencement of the development and implemented prior to the occupation of any of the approved dwellings.

Reason: To ensure that appropriate consideration has been given to the landscaping of the site in the interests of visual amenity.

Occupier of 69 Rectory Road objects for the following reasons:-

“The present plan blights the use of the outdoor space as this becomes a glorified car park. Planting shrubs by No.69 could interfere with the sewer which runs the length of the driveway. It would be better for the plants to separate the domestic from the commercial i.e. a north/south line facing west.

The commercial site is a local asset. Changing the car park will cause noise and pollution to the occupiers of The Avenue.

Parking alongside the fence to No.69 would block access by the Fire Dept.

In the future the site could become all residential.”

Additional Condition:

“Nothwithstanding the details shown on the submitted drawing ref: 220/B additional details of the proposed cart lodge building located to the rear of the dwellings on plots 4 and 5 shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development hereby approved. The approved cart lodge shall be provided prior to occupation of any dwelling on the site.

Reason: The application as submitted does not include sufficient detail regarding this building and the Council would want to ensure that the design achieves a satisfactory standard in the interests of visual amenity and also accords with the Council’s adopted parking standards in terms of dimensions.”

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
19 May 2011 at 6:00pm**

SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items