

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
17 September 2009 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**9. Amendment Sheet**

**111 - 115**

See Amendment Sheet attached.



# AMENDMENT SHEET

Planning Committee  
17 September 2009

## AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

### 7.1 090891 – Orchard Place, Vernons Road, Chappel

A) *An email was received from Chappel Parish Council on 9th September 2009, and made the following points:*

- 1) *Inconsistencies remained regarding the size of the utility buildings, i.e: Supporting statement said 4m x 3m, Local Planning Authority said 7.1m x 4.0m, and the agent on 1st September 2009 stated 6m x 4m*
- 2) *The correct fee has not been paid;*
- 3) *Recent reference to a possible 7th owner/ 7th pitch has emerged.*
- 4) *The Ownership Certificate is not viewable on the website so many objectors may not have picked up on any ownership inconsistencies.*
- 5) *The site is part of an agricultural holding, so that part of the form has been filled in incorrectly.*
- 6) *The proposed utility buildings may well require Building Regulations, which would mean non-combustible (i.e. less attractive) materials will be required.*

*In addition, it was also noted that not all email correspondence between the Parish and the Planning Department had been posted on the website. This was an oversight for which we apologise.*

**In response to these points:**

- 1) Colchester Borough Council accepts that the submitted drawings have featured some inconsistencies, and this has been an ongoing issue which has twice led to the application being invalidated. It is accepted that some inconsistency remains on the proposed size of the utility buildings, but pro rata, this is small and does not unduly affect the substantive issues under discussion.**
  - 2) The correct fee of £335 for a change of use has been paid.**
  - 3) This information has emerged recently and must not affect the application – which is for six pitches only. Colchester Borough Council has used its best endeavours to ensure that the correct ownership information has been provided.**
  - 4) The ownership certificate does indeed appear on the website, it is part of the application form.**
  - 5) Whilst the last authorised use of the land appears to be agriculture, this does not mean that the land is an agricultural holding, or is part of an agricultural holding. The claim that the triangle of land to the front, whose ownership is disputed, is part of Mr Thorn’s agricultural holding should not delay the determination of this application.**
  - 6) Whether or not Building Regulations are required is not a matter for Planning. However, the issue is discussed in context in the main report.**
- B) At paragraph 8.3 (Comments from Wakes Colne Parish Council) the words “To Abridge” appear. It was originally intended to summarise the points made in order to shorten the report. However, the decision was made not to do so, and these words have been left in error. To clarify, these comments have not been abridged.**
- C) Reference is given, in various places, to the internal dividing fences being one metre in height. In fact the fences dividing the plots from each other are approximately two metres in height. In addition, fences dividing the access road off from the plots have recently been erected and are of a similar height.**

- D) Paragraph 3.4 states that the gates are three to four metres from the edge of the carriageway of Vernons Road. They are in fact approximately six metres back.

## 7.2 090725 – Land to the east of Port Lane, Colchester

It is recommended that the following additional conditions are attached to a grant of planning permission, should Members accept the recommendation for approval of the scheme.

- The development hereby permitted shall be carried out solely in accordance with the amended plans hereby returned stamped approved.  
Reason: For the avoidance of doubt as to the scope of the permission hereby granted.
- Notwithstanding the details shown on the submitted drawings further details of the treatment of the principal elevations of the dwellings on plots 02/03, 43/44, 45/46, 151/152 and 159/160 shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. The approved scheme shall be completed to the satisfaction of the Council and thereafter retained as such.  
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity.
- The design of the building on plots 28 to 31 shall incorporate an open eaves detail with exposed rafter feet.  
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity, given the building's position in relation to a Conservation Area.
- Additional drawings that show details of proposed new windows/doors/eaves/verges and cills etc to be used, by section and elevation, at scales [of/between 1:20 and 1:1] as appropriate, shall be submitted to and approved by the Local Planning Authority in writing, prior to commencement of any works. The development shall be implemented in accordance with the approved additional drawings.  
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity.
- Where buildings incorporate a rendered finish there shall be no brick detailing inserted.  
Reason: The use of a rendered finish would suggest a traditional timber frame construction and the use of brick detailing would appear incongruous within this type of building.

- **The windows in the flank (north facing) elevation of the building on plot 31 (as numbered on drawing 08-1553-003 rev. W) shall incorporate obscure glazing of a type previously agreed in writing with the Council and shall be retained as such thereafter. Reason: In order to ensure that the private amenity areas of gardens serving the existing adjacent dwellings to the north are protected from an unacceptable degree of overlooking and subsequent loss of privacy.**
- **In the event that soil importation is necessary as part of the development hereby approved, details of the necessary works including delivery times/routes etc. shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the importation operation. The operation shall be carried out in accordance the approved scheme. Reason: In the interests of protecting residential amenity in the area.**

**Members' agreement is also sought to enable the Head of Environmental and Protective Services to make minor revisions to the terms of conditions as deemed necessary.**

7.3 090909 – East View, Straight Road, Boxted

Trees and Landscape Officer's comments – Given comment from applicant that works to the tree in the neighbouring garden, which is adjacent to the garage, have been discussed with the neighbour – no objections

The Statutory Declaration mentioned in paragraph 1.2 of the report has been inspected by your officer – this appears to accord with the information previously supplied by the applicant.

Recommendation – Grant Planning Permission. No additional conditions required.

#### 7.4 090984 – 13a Nayland Road, Colchester

The Arboricultural Officer has no objection subject to the following conditions:-

##### C10.15 – Tree and Natural Feature Protection: Protected Areas

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

##### C10.16 – Tree and Natural Feature Protection: Entire Site

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 healthy of trees, shrubs and other natural features to be retained in the interest of amenity.

##### C10.18 Tree and Hedgerow Protection: General

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 which forms part of this permission, and no other works shall take place that would effect 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 to protect the health of trees, shrubs and other natural features to be retained in the interests of amenity.

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**Part B**

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**Pages**

**There are no Section B Items**