

# Planning Committee

## Thursday, 20 October 2016

**Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Pauline Hazell (Group Spokesperson), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Member)

**Substitutes:** Councillor Darius Laws (for Councillor Jackie Maclean)

### **390 Site Visits**

Councillors Barton, Chuah, Hazell, Higgins, Jarvis, and Scott attended the site visits.

### **391 Minutes of 6 September 2016**

The minutes of the meeting held on 6 September 2016 were confirmed as a correct record.

### **392 Minutes of 6 October 2016**

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### **393 160906 Land adjoining Church of All Saints, London Road, Great Horkesley**

The Committee considered an application for the removal of the existing glasshouses and ancillary buildings, change of use and replacement with a new residential scheme comprising of 18 private dwellings and four affordable dwellings along with enhancement measures to improve both the surrounding Area of Outstanding Natural Beauty (AONB) and the church and its setting at land adjoining Church of All Saints, London Road, Great Horkesley. The application had been referred to the Committee because the site had a controversial history, objections had been received, the proposals were a departure from the adopted Local Plan and the application involved the signing of a Section 106 agreement. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Simon Cairns, Major Development and Projects Manager presented the report and assisted the Committee in its deliberations.

Mike Hunter, on behalf of Nayland and Wissington Conservation Society, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was concerned that the proposals were a departure from the Development Plan for the area which was, in any event, not designated for residential development in the emerging Local Plan. He considered it was important to bear in mind the higher status of the AONB and he referred to the current use as agricultural land and questioned whether anything further should be done to seek proposals which would accord with this current status. He was very concerned about the potential for further residential development and was of the view that consent should only be granted for this development in very exceptional circumstances. He referred to the proposed covenant to restrict future development and considered insufficient detail was available to assess whether it would be adequate and was of the view it should be made legally binding in perpetuity.

David Rose, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he was one of a team of people who had been working with Borough Planning officers in the on the proposals. The project had been a complex one but the opportunity had been taken to bring forward proposals with very high quality design principles. The history of the church had been assessed together with factors within historical mapping and these had been used to deliver proposals built on the theory of the settlement. The finished design, including careful detailing to buildings, understood the history of the setting, whilst a comprehensive consultation exercise had been undertaken and responses provided had been listened to. He was of the view that there were significant benefits to the scheme, in particular in relation to the church and its setting, which outweighed the concerns. He hoped that the solution proposed would bring an end to the long-standing uncertainty of the site.

Councillor Arnold attended and, with the consent of the Chairman, addressed the Committee. He explained that the argument that the correct status of the land was agricultural had been dismissed by both a Planning Inspector and the Secretary of State and, it was on this basis, that the applicants had come up with their proposals. He was aware that there had been full and frank discussions between the applicants and the Planning officers whereby the applicant's ideas and aspirations had been robustly challenged where appropriate. He was of the view that the consultation process with residents had been exceptionally good as a consequence of which there was much in the proposals which would be of benefit to the community. He thanked all those in the process for their diligence and was reassured that due care was being taken with the setting of the church, such that no harm would be done. He hoped the Committee members would give the scheme their blessing.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He also thanked all those involved in delivering the scheme. He was passionate about the Dedham Vale and Stour Valley and the need to protect the AONB whilst acknowledging the importance of welcoming new housing where it would contribute well to its surroundings. He commended the design features of the dwellings proposed and also welcomed the affordable housing element which had been much sought after. He was further assured that the countryside around the church would be enhanced for years to come. Finally, he asked the Committee members to consider whether the specification within the proposed light pollution condition needed to be enhanced.

In response to comments raised, the Major Development and Projects Manager explained that the National Planning Policy Framework needed to be considered as a whole and it was not appropriate to rely on certain paragraphs in isolation. He confirmed that Dedham Vale and Stour Valley Masterplan had been adopted and, as such, was a material consideration in the assessment of the application. He was of the view that the proposal, including residential development could be considered exceptional and, as such, there were grounds to approve the application. The site had been the subject of development but, in its current state had been referred to as an 'eyesore' by the Planning Inspector. He considered that it would only be a proposal for residential development which would adequately deliver the much needed enhancements. He explained that the proposed condition relating to light pollution, sought compliance for any lighting feature within the development site, and had been recommended by the Environmental Protection Team. He confirmed that it would be appropriate for this condition to be amended to require a lighting strategy, if the Committee considered it necessary.

Members of the Committee referred to the very poor state of the glasshouses and their very negative impact on the surrounding landscape. The design of the dwellings were highly commendable, they had been located close to the road links and bus route and could not be considered to be over-development of the site. It was considered that the proposals would enhance the location and would be enjoyed by the local community. The affordable housing units were welcomed and assurance was sought that the allocation arrangements would ensure they were available for local people. It was also considered that the benefits of the scheme would outweigh any negative consequences, especially given the length of time that the site had been vacant.

The Major Development and Projects Manager explained that a local lettings policy would be applied to the affordable housing and that this would be included within the conditions of the planning permission. He also confirmed that a covenant would be entered into between the Council and the applicants which would restrict further development in the future and ensure there was no encroachment onto the AONB, such provisions to apply for as long as legally possible.

RESOLVED (UNANIMOUSLY) that the Head of Commercial Services be authorised to approve the planning application subject to agreement being reached regarding a detailed enhancement and biodiversity mitigation strategy for the wider site and detailed wording of an options agreement, together with an additional condition to provide for a lighting strategy and amendments to conditions as set out in the amendment sheet and then subject to the signing of the options agreement and a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the legal agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for the following:

- £150,000 to address the outstanding repair issues identified in the quinquennial condition report for the Church of All Saints, Great Horkesley together with the provision of electricity/drainage to the church boundary;
- Transfer of parking area to immediate south of the Chantry to provide church of All Saints with parking to facilitate viable use of the church;
- The provision of Essex County Council Highways requested transport packs for all new residents together with improvements to the bus shelter on the A134 to the south of the site;
- An archaeological contribution of £2,200 towards maintenance of the Historic Buildings, Sires and Monuments Record;
- Essex County Council seek an educational contribution of £16,872 towards secondary education transport costs;
- Four units of affordable housing in compliance with adopted standard (20%) with cascade letting policy giving preference to local residents or those with a demonstrable link to the local area;
- Detailed enhancement strategy for the wider site and biodiversity mitigation strategy.

**394 160661 Lakelands, Phase 2, Church Lane, Stanway, Colchester**

The Committee considered an application for approval of reserved matters following outline approval 121040 at Lakelands, Phase 2, Church Lane, Stanway, Colchester. The application had been referred to the Committee because it was a major application and objections had been received. The Committee had before it a report in which all the information was set out. The Highway Authority had raised no objection, subject to a condition and revised drawings required the rewording of conditions to reflect new drawing numbers and condition 10 to be amended to provide for agreement to a management company.

RESOLVED (NINE voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report, as amended as set out above.

**395 161296 Jacks, 5 St Nicholas Street, Colchester**

The Committee considered an application for change of use to seven flats and a flexible A1/2 or A3 use, including first-floor extension, three-storey rear extension, and roof extensions at Jacks, 5 St Nicholas Street, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report and amendment sheet in which all the information was set out.

RESOLVED (NINE voted FOR and ONE ABSTAINED) that, subject to the submission of a satisfactory scheme of vibration attenuation, in consultation with the Council's Environmental Protection Team, the Head of Commercial Services be authorised to grant planning permission, subject to the conditions set out in the report and the amendment sheet and any conditions recommended by the Environmental Protection Team, as necessary.

**396 161668 The Philip Morant School, Rembrandt Way, Colchester**

The Committee considered an application for the erection of two-storey teaching block (D1) together with an all-weather sports pitch, amended internal vehicle access route, car parking, cycle racks and associated facilities at the Philip Morant School, Rembrandt Way, Colchester. The application had been referred to the Committee because it was a major application and representations relating to material issues had been received. The Committee had before it a report and amendment sheet in which all the information was set out.

RESOLVED (NINE voted FOR and ONE ABSTAINED) that the application be approved, subject to the conditions set out in the report and the amendment sheet, also to the agreement of Sport England and the Landscape Officer with any conditions they may require, such agreement to be determined within six months from the date of the Committee meeting and, in the event that the agreement of the stakeholders is not forthcoming within that period, authority be delegated to the Head of Commercial Services to refuse the application.

**397 161912 West Stockwell Street, Colchester**

**Councillor Liddy (in respect of his Directorship of Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for replacement of windows and some external doors to flats at 1-9 (odds) Ball Alley, 2-14 (evens) John Ball Walk, 2-16 (evens) Nunns Road, 2- 8 (evens) Shortcut Road, 7-9 (cons) Walters Yard, 1-7 (cons) Wat Tyler Walk, 2-20 (evens) Stockwell and 22-28 (cons) 32, 33, 34a, 34b, 34c, 44, 44a and 45

West Stockwell Street, Colchester. The application had been referred to the Committee because it had been submitted by Colchester Borough Homes. The Committee had before it a report in which all the information was set out.

RESOLVED (NINE voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report.

**398 161543 Town and Country Lighting Ltd, 61-65 North Station Road, Colchester**

**Councillor Laws (by reason of his having expressed a prejudicial view on the application) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination.**

**Councillor Barlow (by reason of him being a resident of Causton Road) declared a non- pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the retention of existing ground floor retail and construction of a two storey block containing nine flats on an existing roof at Town and Country Lighting Ltd, 61-65 North Station Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Barlow. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

James Ryan, Principal Planning Officer presented the report and, together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Dominic Waggett addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he lived in Albert Street, at the rear of the development and was concerned that work had already started, a tree in his garden had been pruned when scaffolding was being erected and questioned whether correct procedures were being followed. He expressed disappointment that the rear access to residents' gardens had been blocked. He acknowledged that the amended proposals were beneficial in comparison to the original ones but he still considered the scheme to be oppressive and would lead to a loss of light.

Alan Green addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the application had been for nine flats, however but, following consultations, this had been reduced to eight. He considered that the concerns regarding the impact on residents of Albert Street had

been addressed by the revised proposal as well as measures to preserve the original façade of the building.

Councillor Barlow attended and, with the consent of the Chairman, addressed the Committee. He acknowledged the concerns expressed by Mr Waggett and went on to refer to the potential precedent to be set in relation to the rest of North Station Road and whether other buildings would be the subject of applications for two storey flat developments. He asked why it had not been possible to impose a Construction Method Statement in connection with the current works. He was particularly concerned about the negative impact on parking in the area and was of the view that the provision of fewer parking spaces than that required in the parking standards on the basis of an highly sustainable location would not mean that future residents would not be owners of vehicles which would need to be parked somewhere. Being a resident of Causton Road he was aware of the considerable shortage of residents parking spaces in the area and sought the imposition of a condition providing for the sale of the flats with no parking space provision. He also referred to the request from the Highway Authority for the submission of a Transport Plan, asking why this had been considered unnecessary and sought an additional condition to ensure the retail units would be adequately marketed and not subject to subsequent applications for change to residential use.

In response to comments raised, the Principal Planning Officer explained that the applicant had submitted revised plans which residents had been consulted on and the works currently taking place were in relation to a previously approved application. He acknowledged that there would be some impact on residents from the erection of the scaffolding but considered this was within tolerable levels. He considered any loss of light from the proposals would be experienced only in the late winter months and would only be at the end of the day. The proposal was considered to be sustainable urban development and, as such, a lower parking standard had been considered acceptable and a Transport Plan unnecessary. He was also of the view that there were already a number of three storey buildings in the location, whilst existing two storey buildings tended to have pitched roofs and, accordingly, did not consider the application was likely to lead to similar applications for three storey development. He confirmed that the imposition of a Construction Method Statement was not considered appropriate given the advanced stage of the building work. He confirmed that a Transport Plan and a Construction method Statement could be required by condition if considered necessary whilst any change of use of the retail units would be subject to the submission of a formal application.

Some members of the Committee expressed concern regarding the grounds of the previously approved application whilst acknowledging the benefits which would be gained from the current proposal. Disappointment was also voiced in relation to the parking spaces being provided and the likely detrimental impact on the neighbourhood as a consequence of vehicle ownership by prospective residents.

The Principal Planning Officer explained that the Council's parking guidelines had been set by Essex County Council whilst also mentioning that statutory permitted development criteria included office developments without parking provision.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and the amendment sheet.

**399 161584 Land Adjacent to Coronilla, Little Horkesley Road, Wormingford**

The Committee considered an application for the removal/variation of condition 2 of planning permission 152553 at land adjacent to Coronilla, Little Horkesley Road, Wormingford. The application had been referred to the Committee because it had been called in by Councillor Chapman. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

James Ryan, Principal Planning Officer presented the report and, together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Mark Dobson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained why he had chosen to live in Wormingford and considered that the special rural characteristics of the location had been destroyed as a consequence of the development. The house had been constructed in the wrong location and was higher than the approved plans had allowed. He was of the view that the ridge height of the house stood considerably taller than neighbouring properties and, as such, totally dominated the street scene and the dwelling had a detrimental effect on the landscape. He speculated that the plans had been deliberately drawn up incorrectly, that this was unacceptable and requested the Committee to agree to remedial action as soon as possible.

James Firth addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposals were an amendment to the existing permission in order to correct alignment anomalies within the application drawings and to resolve the matter as had been advised. He explained that a full topographical survey had been commissioned to assist in correcting the anomalies which had resulted in the property being constructed two metres north of the original plan. He considered this would, in fact, provide a greater level of light to the neighbour's house at Roseville and a lower ridge height to the roof than originally envisaged whilst remaining fully compliant with relevant planning policies and guidance. In addition a landscaping scheme was being progressed which would enhance the setting even further.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He was grateful to the Committee for undertaking a site visit and considered this had enabled the Councillors to fully consider all aspects of the proposals and the impact on the neighbours. He acknowledged the need for applications to be accurately measured and speculated whether topographical surveys would be particularly useful for many small scale rural applications.

In response to comments raised, the Principal Planning Officer confirmed that it was not open to the Committee to refuse the application on the grounds of incorrect drawings and, in any event, the topographical survey had provided helpful clarification. If the Committee were minded not to approve the application then a notice for demolition would need to be made.

One member of the Committee was very concerned at the negative impact upon the neighbouring property at Roseville. However, other Committee members were of the view that the development was an acceptable one and the impact upon neighbouring properties would not be significant.

The Major Development and Projects Manager confirmed that the impact of the neighbouring flank wall on the property known as Roseville had, in any event, been a factor within the original application but had not been considered sufficiently detrimental to warrant a refusal. As such, he did not consider that the current application could be considered unacceptable.

RESOLVED (SEVEN voted FOR and THREE voted AGAINST) that the application be approved subject to the conditions set out in the report.

**400 162182 6 St Monance Way, Colchester**

The Committee considered an application for a two storey front extension (a revision to the scheme granted permission under 152311) at 6 St Monance Way, Colchester. The application had been referred to the Committee because it had been called in by Councillor Chuah. The Committee had before it a report in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

RESOLVED (NINE voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report.