

# **Planning Committee**

## **Thursday, 07 January 2016**

**Attendees:** Councillor Peter Chillingworth (Group Spokesperson), Councillor Jackie Maclean (Member), Councillor Helen Chuah (Member), Councillor Jon Manning (Chairman), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jessica Scott-Boutell (Deputy Chairman), Councillor Patricia Moore (Member), Councillor Rosalind Scott (Group Spokesperson), Councillor Jo Hayes (Member)

**Substitutes:** No substitutes were recorded at the meeting

### **256 Minutes of 5 November 2015**

The minutes of the meeting held on 5 November 2015 were confirmed as a correct record, subject to Minute No 234 being amended as follows:

- Fifth paragraph, second sentence to be amended to read: 'She confirmed that the site had been sold by the Council with covenants effectively providing for the site to be maintained as a garden with the erection of a boundary fence.' and
- Eighth paragraph, second sentence amended to read: 'He also acknowledged that a meeting had taken place with one of the ward councillors and time had been spent in order to find a suitable solution for the site.'

### **257 Minutes of 19 November 2015**

The minutes of the meeting held on 19 November 2015 were confirmed as a correct record.

### **258 Minutes of 3 December 2015**

The minutes of the meeting held on 3 December 2015 were confirmed as a correct record.

### **259 152268 Northfields (formally Turner Village), Turner Road, Colchester**

The Committee considered an application for the variation of Condition 2 (approved plans) of planning permission 091169 at Northfields (Formerly Turner Village), Turner Road, Colchester. The application had been referred to the Committee because it was a major application with a linking Section 106 agreement to the main Section 106

agreement for the Northfields Site. The Committee had before it a report and an amendment sheet in which all the information was set out.

James Ryan, Principal Planning Officer, presented the report and, together with Vincent Pearce, Planning Projects Specialist, assisted the Committee in its deliberations. He explained that amended plans had been submitted by the applicant which would mean that the plan references in proposed Condition 2 would need to be amended accordingly.

James Iles addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He explained that the application was in relation to minor amendments to the final phase of the development which was not an unusual occurrence once site construction was underway. The number of units would be unchanged but changes were required to internal dimensions, Juliet balconies and the level of cycle provision. The existing occupiers had been informed of the modifications and no representations had been received. He gave an assurance that no units would be subject to loss or relocation parking spaces.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He acknowledged that the implications of the modifications were unlikely to be significant but he was of the view that the changes had not been presented well visually. He was of the view that the modifications had caused confusion and more informative plans earlier in the consultation process would have been of assistance. Nevertheless, he welcomed the assurance that existing residents would not be affected. He also referred to ongoing problems within the development in relation to parking, quality of materials, the management company and communal cable telephone services. He welcomed and sought a continuation of the recent open dialogue which had been facilitated by Linden Homes.

Members of the Committee were generally of the view that cycling provision should not be reduced as a matter of principle whilst acknowledging the modifications being proposed were still within the Council's agreed standards. The loss of Juliet balconies and change to internal dimensions was considered regrettable whilst the overall design of the dwellings was thought to be unimaginative.

In response to specific questions the Planning Projects Specialist confirmed that, although regrettable the proposed reduction in cycling provision would not be sufficient grounds on which to base a refusal of permission whilst the internal room size would be a matter for Building Regulations to oversee. He gave reassurance in relation to the design of the dwellings in terms of it being of reasonable in terms of a contemporary approach.

*RESOLVED* (ELEVEN voted FOR and ONE ABSTAINED) that the planning application be approved subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting and in the event that the legal agreement is not signed within 6 months, to delegate

authority to the Head of Professional Services to refuse the application, or otherwise to be authorised to complete the agreement to provide a linking agreement to the main legal agreement for the site and on completion of the legal agreement, the Head of Professional Services be authorised to grant planning permission subject to the conditions set out in the report.

**260      151286 Lakelands Phase 2 NR4, SR4 and SR5, Church Lane, Stanway**

**Councillor Scott-Boutell (in respect of her acquaintance with the objector to the application) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for approval of reserved matters following outline approval 121040 and 121041 for the developments of plots NR4, SR4 and SR5 of the second phase of the Lakelands development at 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 and an amendment sheet in which all the information was set out.

Sue Jackson, Principal Planning Officer, presented the report and, assisted the Committee in its deliberations.

Carole Sutton, on behalf of Stanway Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. She considered that the proposals failed to meet the national guidelines for developments to function well, be attractive and comfortable places to live. The applications included three storey units on a small footprint. The buildings had been referred to as landmarks but she considered them to be out of character and not in accordance with the vision for Stanway. The road networks proposed were of the minimum width possible and would lead to parking problems, making an existing problem worse due to the perpetuation of on-street parking by local residents. She requested this issue should be factored into the determination of the application and for the road widths to be greater in order to accommodate both parked cars and access for refuse vehicles. The Parish Council were of the view that the development needed to be of a lower density and the road network needed to be wider. She was concerned that the developer had acknowledged that it would not be financially viable to deliver a lower density scheme.

Andy Black addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He explained that the application had followed several months of dialogue with planning officers. He was aware of concerns about the previous phases of development at Lakelands and this application was seeking to return to the concept contained within the original masterplan for the area. As such taller houses were proposed at key points in the development. He acknowledged the concerns about parking but the provision proposed accorded with the standards

adopted by the Council. In terms of the references to the development not being in keeping with the surrounding area, he reaffirmed the intention that the proposals were in response to the principles contained in the original master plan.

Some members of the Committee sympathised with the concerns regarding density and the overpowering nature of the design, acknowledging that the first phase at Lakelands had been very low which gave an impression of units in the current proposal being very tightly packed in comparison. Clarification was sought about the location of the landmark buildings, one member stating a preference for these to be away from the entrance to the development. Reference was also made to the Parish Plan which had recommended dwellings no higher than three storey and the future maintenance of open spaces and to neighbourhood tensions which had come to light following the building of the first phase of the Lakelands development and the need to ensure that parking provision and space allocation was agreed before housing was occupied.

The Principal Planning Officer confirmed that the road network was already established and in place and that the master plan had provided for both three and four storey elements to the development, although this was not necessarily in accordance with the Stanway Vision. She confirmed that the Urban Designer was satisfied with the layout and design of the buildings and that the Highway Authority had raised no objection to the proposed road network.

Concerns were shared by a number of members regarding problems of excessive surface water, the risk of flooding and the measures being adopted to mitigate these issues. The previous use of the site for the extraction of sand and gravel was mentioned in the light of the number of dwellings planned to be built, whether the drainage proposals, which had been agreed some years ago for the first phase of the development, involved a reliance on artificial pumping and whether they needed to be reviewed in the light of changes in environmental circumstances.

The Planning Projects Specialist explained the hierarchy in terms of the Committee's consideration of the contents of the Village Design Statement, the forthcoming Neighbourhood Plan and the approved master plan. He stated that the application site was located at a higher level than existing dwellings, gave details of the water drainage arrangements, confirmed that the drainage proposals had been formulated based on the number of dwellings envisaged for the development as a whole and suggested the initiation of discussions with Essex County Council and Anglian Water to review the drainage arrangements for the site as a whole.

*RESOLVED* (SIX voted FOR, FOUR voted AGAINST and TWO ABSTAINED) that –

- (i) The planning application be approved subject to the conditions set out in the report
- (ii) The Head of Commercial Services make arrangements to facilitate discussions with Essex County Council, Anglian Water and, where appropriate, the developers to

review the effectiveness of drainage arrangements at Lakelands and to report back to the Committee in due course.

## **261 Lakelands, Stanway - Supplemental Agreement**

The Committee considered a report by the Head of Commercial Services giving details of a supplemental agreement which would enable the Council to secure a financial contribution to be used for the provision of affordable housing should the 'Affordable Housing Scheme' not secure the required affordable housing percentage.

Vincent Pearce, Planning Projects Specialist presented the report and, assisted the Committee in its deliberations. He explained that a deed of variation required an 'Affordable Housing Scheme' to be agreed by the Local Planning Authority and whilst a Scheme had been submitted not all the parcels of land identified had received planning permission. There was therefore a small chance the parcels identified would not deliver the approved percentage of affordable housing as the relevant reserved matters were resolved and final layout and density were established. A Supplemental Agreement was therefore proposed which secured a financial contribution of £120,000 for each unit below the required 19.2% affordable housing delivery target.

*RESOLVED* (UNANIMOUSLY) that the supplemental agreement to enable the Council to secure a financial contribution to be used for the provision of affordable housing at Lakelands, Stanway should the 'Affordable Housing Scheme' not secure the required affordable housing percentage be approved and the Head of Commercial Services together with the Head of Corporate and Financial Management be authorised to finalise, complete and issue the final document.

## **262 Scheme of Delegation to Officers – Affordable Housing**

The Committee considered a report by the Head of Commercial Services giving details of a request to provide the Head of Commercial Services with delegated powers to enter into a Deed of Variation to amend Section 106 planning agreements in respect of affordable housing mortgagee exclusion covenants.

Alistair Day, Principal Planning Officer presented the report and, assisted the Committee in its deliberations. He explained that the current Scheme of Delegation necessitated that requests for an amendment to the affordable housing mortgagee exclusion clause(s) in existing Section 106 planning agreements were first approved by the Planning Committee. A number of enquiries had been received from housing associations regarding the possibility of amending such covenants to enable them to increase their borrowing potential for the building of new affordable housing. In order to improve the efficiency of dealing with these requests it was proposed that the Head of Commercial Services be given authority to enter into a Deed of Variation to amend these clauses in Section 106 agreements.

In response to a specific question it was further explained that the requests to amend an existing Deed of Variation were confined to Registered Providers (Housing Associations).

*RESOLVED* (UNANIMOUSLY) that the Head of Commercial Services be authorised to enter into a Deed of Variation to amend Section 106 planning agreements in respect of affordable housing mortgagee exclusion covenants in respect of requests made by Registered Providers (Housing Associations) only.