

Planning Committee

Thursday, 22 October 2015

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

Substitutes: Councillor Cyril Liddy (for Councillor Michael Lilley)

217 Site Visits

Councillors Chuah, Harrington, Hayes, Hazell, Jarvis, Manning, Moore, Scott-Boutell and Sykes attended the site visit undertaken on 1 October 2015 to Chapel Lane, West Bergholt.

218 Minutes of 17 September 2015

The minutes of the meeting held on 17 September 2015 were confirmed as a correct record.

219 150177 Chapman's Farm, Nayland Road, Colchester

Councillor Jarvis (in respect of his close acquaintance with the applicants) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

The Committee considered an application for the demolition of all existing buildings and construction of a maximum of 27 houses on the existing site currently occupied by Cants of Colchester at Chapman's Farm, Nayland Road, Colchester. The application had been referred to the Committee because objections had been received and a Section 106 legal agreement was required. The Committee had before it a report in which all the information was set out.

Alistair Day, Principal Planning Officer, presented the report and, assisted the Committee in its deliberations. He explained that condition 19 needed to be amended to refer to Chestnut Close not Walnut Drive.

Jean Dickinson, on behalf of Myland Community Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. She explained that the Community Council had no objection to the principle of development but were of the view that the application should be refused on the grounds of a lack of research, overdevelopment and poor design. She was concerned that the plans were not to scale and seemed to be generally of poor quality and was of the view that a fixed number of dwellings needed to be illustrated on the plans to enable the application to be determined adequately. She regretted that consultation with the community had not been undertaken and there appeared to be no regard to the Community Design Statement. She further considered the site to be an important one for the community which needed a sensitive low density development.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He acknowledged that the site would be the subject of development in the future but considered this particular application to be overdevelopment. He was concerned about the design of the dwellings proposed, albeit an outline application, and requested further consideration be given to the density proposed. He was also of the view that there were sufficient outstanding issues in relation to highways and ecology for the proposal to be deferred for further negotiation.

Members of the Committee welcomed the affordable housing element within the proposals but expressed concern about the inaccuracies contained in the drawings, the impact of the planned changes to the road network on the proposed layout and the apparent lack of consultation with local residents and Myland Community Council. Members were also of the view that the forthcoming Neighbourhood Plan would need to be taken into consideration. Of particular concern was the ability of the site to accommodate up to 27 units once the redesigned access had been taken into account.

The Principal Planning Officer confirmed that the density, being 27 units on a 0.9 hectare site was not dissimilar to the neighbouring site which had approval for 33 units per hectare. Concern regarding the quality of the drawings was noted, however, as the application was for outline approval, the plans had illustrated an indicative layout on the basis of a mixture of 2, 3 and 4 bedroom units, with an affordable element up to 27 in total. He further explained that the drawings were indicative only in order to illustrate how 27 units could be accommodated within the site. He was confident that the shortcomings in the layout could be designed not to infringe guidelines regarding size of gardens, car parking and the impact on neighbouring dwellings. He was further of the view that consultation with the community would be undertaken when the detailed application was submitted in due course. He explained that the highway access had been designed to create a safe access in the present road network context. At a later date, the layout of Nayland Road would be truncated as a result of a diversion of the A134 which was currently under construction with completion due in March 2016. In terms of ecology and, in particular the impact on skylarks and bats, it was considered that the site was unlikely to be of great significance to these species and, in any event, conditions had been proposed to provide adequate mitigation. He explained that government guidance

only required the provision of an Environmental Impact Assessment where significant adverse impact was demonstrated and, as such would not be considered reasonable for this application. He reminded the Committee members that matters relating to design, layout, landscape and overlooking would be addressed at the Reserved Matters stage which could be submitted to the Committee for determination. He confirmed that the Council's Tree Officer had agreed that the loss of one of the trees was acceptable.

RESOLVED (NINE voted FOR and THREE voted AGAINST) that –

(i) 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 six months from the date of the Committee meeting

(ii) In the event that the legal agreement is not signed within six months to delegate authority to the head of Commercial Services to refuse the application or otherwise to be authorised to complete the agreement to provide:

Affordable Housing (20%)

Open Space, Recreation and Sports Contribution £171,130

Community Facilities Contributions £41,000

(iii) On completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report, with Condition 19 being amended to refer to Chestnut Close and not Walnut Drive, as well as an informative to encourage the applicant to consult with ward councillors and Myland Community Council on the design and layout of the detailed scheme prior to the submission of the reserved matters planning application

(iv) The reserved matters planning application to be referred back to the Committee for determination.

220 151660 Old Police Station, 37 Queen Street, Colchester

The Committee considered an application for the removal of conditions 3 and 4 of planning permission 122272 at 37 Queen Street, Colchester. The application had been referred to the Committee because the Council was the applicant. The Committee had before it a report in which all the information was set out.

Alistair Day, Principal Planning Officer, presented the report and, assisted the Committee in its deliberations. He explained that Conditions 3 and 4 related to a requirement for the securing of a BREEAM sustainability accreditation which had been a requirement of European Union funding which had subsequently been withdrawn. The requirement to register the scheme for BREEAM accreditation and the additional works needed to achieve a 'very good' rating had resulted in a negative impact on viability, especially given the withdrawal of the original funding stream, and the removal of these

elements would generate a financial saving which would greatly assist in bringing the scheme to fruition.

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

221 151978 Valentinus Crescent, Colchester

The Committee considered an application for the variation of condition 2 of planning permission 142439 at Valentinus Crescent, Colchester. The application had been referred to the Committee because the Council was the applicant. The Committee had before it a report in which all the information was set out.

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

222 150383 Coopers Beach Holiday Park, Church Lane, East Mersea

The Committee considered an application for the proposed change of use of land to site 60 holiday lodges, access roads, parking and landscape at Coopers Beach Holiday Park, Church Lane, East Mersea, 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. She explained that the wording of condition 2 needed to be amended to refer to 'holiday lodge' style caravan pitches.

David Sunnocks, on behalf of East Mersea Parish Council, the Parochial Church Council and the Village Hall Committee addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He was concerned about the scale of the development as it would mean a 15% increase in the number of units on the site. Access to the site was by means of a single track which often became congested. There was a very limited bus service and, as such, travel movements predominantly by car were inevitable. He referred to the high density design, that the economic benefit to the community was highly unlikely and the proposals had ignored the Village Plan. He considered that there was strong local evidence to suggest that people were travelling to work from the site and that the residential use was permanent throughout the year. East Mersea Parish Council was not opposed to development in principle, in fact it had been active in promoting an affordable housing scheme for the village.

Andrew Dowell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He referred to the popularity

of the Coopers Beach development and the economic benefit it had brought to the community. He considered that the principle of development on the site had already been agreed as well as the contributions being made to highway and access improvements. There would be no detrimental effect on the nearby church, an Environmental Impact Assessment had been undertaken in relation to the surrounding area and a code of conduct had been agreed with Natural England. He referred to concerns relating to traffic congestion which had not been supported by the Highway Authority, he further explained that it was not within the interests of the applicants to have full-time residential occupancy and occupants were required to enter into an agreement confirming that this would not be the case. The design of the units had sought to meet modern customer expectations and the proposed layout was in order to address the natural slope of the site.

Councillor Sheane attended and, with the consent of the Chairman, addressed the Committee. He supported the Parish Council's concerns on the application which he also considered to be valid for the Committee to consider. The Parish Council and residents had stated their concern regarding the potential for residences to become permanent. There was local evidence confirming this situation in relation to caravan occupants and he understood that the Council had identified people who were found to be living on the caravan site without a break. This being the case, he was of the view that this tendency would be increased in respect of the proposed holiday lodges. He welcomed the conditions attached to the officer's recommendation for approval and requested a proactive approach to the enforcement of these requirements.

The Principal Planning Officer explained that the layout of the site was not a matter controlled by the Planning Authority rather it was governed by the site license. She acknowledged that there had been a series of applications from sites on Mersea Island for 12 month occupancy but she confirmed that objections and concerns had routinely been dismissed at appeal on the basis that this could be addressed by means of site owners requiring evidence of an alternative permanent address. Accordingly, a condition had been proposed to provide for the holding of this evidence by the site operator. The application site was unusual in that the current use had been allowed on appeal in the 1960s and the inspector had not imposed a condition restricting occupancy. Investigations had been undertaken by the Licensing Team but they had found no evidence of any one living at the site. She also confirmed that the Planning policies applicable to Tourism uses were different to Policies relating to residential uses. She confirmed that the site did not include any Flood Zone 3 land and she could not recommend the phasing in of the proposal as the application was for the provision of 60 un-phased units.

Members of the Committee sympathised with the views expressed by the Parish Council, expressed their concern regarding the incremental holiday related development on Mersea Island and speculated as to whether this was now having a detrimental effect on the amenity of local residents. They also confirmed the need for complaints to be referred to the Council's Licensing Team for action as it was in the interests of the

applicant to ensure that the site license remained in force in order to continue to operate the business. Doubts were expressed regarding the benefits of the proposal for the local economy.

RESOLVED (SIX voted FOR, FIVE voted AGAINST and ONE ABSTAINED) that the planning application be approved subject to the conditions set out in the report and the amendment sheet and the concerns of the Committee in relation to the detrimental effect on the amenity of local residents of the incremental increase in holiday home development in East Mersea be referred to Local Plan Committee for further consideration.

223 151593 International Farm Camp, Hall Road, Tiptree

The Committee considered an application to vary condition 9 of planning permission 100684 at International Farm Camp, Hall Road, 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.

Nadine Calder, Planning Officer, presented the report and, assisted the Committee in its deliberations.

Steve Bays addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He explained that he was objecting to the application of the grounds of highway safety in relation to access and egress onto Hall Road, Tiptree. He considered it was possible to consider an improvement to road safety which was an issue as it was not possible to enter Hall Road if a vehicle was exiting. He was of the view that the Highway Authority was not aware of this current situation which, in his view, would get worse due to the likely increase in car ownership by the site occupants.

The Planning Officer explained that the Highway Authority had not raised any objection to the proposal which was to provide for the occupation of up to ten of the 55 caravans on the site from 30 November to 1 February each year. It was not considered that this would generate significant additional traffic.

Members of the Committee sympathised with the views expressed by the objector but did not consider there were grounds for refusal given the Highway Authority's acceptance of the proposal. The reasons prompting the submission of the application were acknowledged and it was suggested that the highway issues may be better considered at a meeting of the Local Highway Panel.

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

Councillor Chillingworth, on behalf of the members of the Conservative Group (in respect of their acquaintance with the applicant) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Moore (in respect of her close association with the applicant's family and the location) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

The Committee considered an application for a replacement dwelling at 35 Yorick Road, West Mersea, Colchester. The application had been referred to the Committee because the applicant's son was a Borough Councillor. The Committee had before it a report and an amendment sheet in which all the information was set out.

Chris Harden, Planning Officer, presented the report and, assisted the Committee in its deliberations. He explained that condition 3 would be amended to agree materials rather than matching materials.

Mary Neville addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. She explained that she had objected to the application and she was attending the Committee meeting on behalf of other neighbours who objected to the proposal. Their objections were based on the principle of demolition of the existing building, its replacement with a much larger building and the need for the replacement dwelling to be constructed with matching materials to the existing building. She also sought the Committee's consideration of an additional condition to ensure any future enlargement or improvement was not undertaken without the need to seek prior approval.

Jamie Kelly addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He explained that the proposal was virtually identical to a previous application to extend the existing dwelling which had been approved and that a replacement dwelling was now being sought due to the amount of demolition involved with the previous application. The proposal included an improved access, whilst the building ridge height would be very slightly increased. He considered that the objections from neighbouring residents had been adequately addressed by means of amendments to accommodate their concerns.

The Planning Officer confirmed that there were no grounds to object to an application for demolition of an otherwise sound building and, although a previously approved application had a condition providing for materials matching the existing building, this was not considered reasonable in relation to a replacement building. He also confirmed that a condition had been proposed to remove permitted development rights in respect of further improvements or alterations.

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

225 150702 Homecroft, Chapel Lane, West Bergholt

Councillor Chuah (in respect of her acquaintance with the owners of a property to the rear of the application site) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the proposed formation of a private drive, erection of two detached bungalows, erection of a two storey house, extensions and alterations to an existing bungalow to form a two storey dwelling, erection of garages and provision of associated parking facilities at Homecroft, Chapel Lane, West Bergholt, Colchester. The application had been referred to the Committee because it had been called in by Councillor Willetts. The Committee had before it a report and an 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.

Carl Allen, Planning Officer, presented the report and, assisted the Committee in its deliberations. He explained that a plan had been provided by the Highway Authority illustrating the extent of publicly maintainable highway at the location, confirming that the verge immediately outside the application site was privately owned.

Bob Tyrrell, on behalf of West Bergholt Parish Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He explained that the Parish Council was not opposed to the principle of the development of the site but were concerned about the poor design quality of the proposals. He considered that the site had been cleared unsympathetically and it was unfortunate that the indigenous hedges had not been preserved. He was of the view that the proposal would be improved if it were on a smaller scale with improved gardens and replacement hedges. He was concerned that the application drawings did not accurately reflect the slope of the site, that no ecology assessment had been made. He requested that the Committee consider refusing the application on the grounds of poor design, out of keeping with the street scene and inadequate parking provision.

Steve Norman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He explained that the application had been submitted following 15 months of discussions, negotiations and meetings on site. The Highways Authority had not objected to the proposals and the proposals had been prepared in accordance with the aspirations contained in the Parish Plan. Additional fine tuning had also been undertaken to address concerns regarding surface water and drainage. He explained that some of the plots exceeded the minimum parking standards whilst the visibility splay was in excess of the requirements of the Highway Authority. He confirmed that the highway verge would be retained and was of

the view that the development would make a positive contribution to the village.

Councillor Harrington attended and, with the consent of the Chairman, addressed the Committee. He considered that the proposal was an overdevelopment of an infill site in a sensitive area with substandard site layout and design. He had outstanding concerns regarding the junction of Valley View with Chapel Lane. His main concern was the prominence of the building proposed for plot 1 and he considered that the contents of the West Bergholt Village Design Statement, which had been adopted by Colchester Borough Council, had been ignored in many ways. In particular trees and copses which should have been safeguarded, had already been removed from the site. On the basis that infill development needing to reflect the surrounding area, he considered that the proposed garden sizes needed to be substantially larger. He was of the firm view that the proposals would spoil the character of the Chapel Lane area and he referred to the unpopularity of the proposals with local residents and members of the Parish Council.

The Planning Officer confirmed that the loss of hedgerows was unfortunate but, as the site was not in a Conservation Area, their retention could not be enforced. The design of the dwellings had received the support of the Council's Urban Designer whilst parking provision and plot size exceeded the relevant guidelines.

Members of the Committee referred to the appealing character of the area and voiced concerns regarding overdevelopment of the site, loss of natural hedgerows and inappropriate design of dwellings and boundary treatment. Reference was also made to the principles contained in the West Bergholt Village Design Statement and whether sufficient regard had been paid to it in the formulation of the proposals. There was also concern regarding the prominence of the dwelling proposed for plot 1 and the negative impact of this upon the existing village scene whilst the proposed design of the bungalows was considered to be lacking in character.

RESOLVED (ELEVEN voted FOR and ONE voted AGAINST) that the planning application be deferred for further negotiations to be conducted with a view to securing improvements in relation to the prominence of the proposed dwelling at plot 1 and the design of the bungalows, bearing in mind the particular context of village scene and the reinstatement of hedges to the highway boundary.

226 151731 84 The Commons, Colchester

The Committee considered an application for a single storey rear extension for disabled adaptation to create bedroom and en suite ground floor at 84 The Commons, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Homes. The Committee had before it a report in which all the information was set out.

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

227 151921 2 Carlisle Close, Colchester

The Committee considered an application for the proposed two storey side extension to add two bedrooms, sitting room and kitchen family room at 2 Carlisle Close, Colchester. The application had been referred to the Committee because it had been called in by Councillor Laws. The Committee had before it a report in which all the information was set out.

Carl Allen, Planning Officer, presented the report and, assisted the Committee in its deliberations.

Ben Chowdhury addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He explained that he had lived at the property with his family for 28 years, it was now overcrowded and they wished to extend the building. He was of the view that there was plenty of room to provide an extension which would be in keeping with the existing street scene and the site would still retain its open character. He referred to numerous other properties nearby which had received permission to extend, some of which were also for two storey extensions and he questioned why this proposal had not been supported by the Planning Officers. He also explained that a number of residents had submitted their support for the proposal

The Planning Officer explained that the application site was considered to be very different in character to other examples referred to by the applicant, in that it looked more like a terrace than a semi-detached house. He acknowledged that other extensions elsewhere had been allowed but that the prominence of this application site was considered to be of merit and should be protected from development.

Some members of the Committee considered that the character of the estate, being open plan with an abundance of trees and shrubs, had a distinctive style and a unique feel which needed to be retained. Reference was also made to the appeal decision in 2012 which had supported this opinion in relation to the openness of the site and the particular merits of the street scene.

Other members of the Committee were of the view that the current proposal for the site was different in size to the previously refused application, would include the retention of the existing trees and shrubs and, as such, would enhance the existing house design.

As the discussion suggested that the Committee may be minded to approve the application contrary to the officer's recommendation in the report, in accordance with the Committee's procedures in these circumstances, the Chairman invited the Committee to consider invoking the Deferral and Recommendation Overturn Procedure (DROP), bearing in mind the implications of such decisions as set out in the reports and further explained by Planning Officers.

The Committee agreed not to invoke the DROP and, accordingly, the Chairman then

invited the Committee to determine the applications without deferral.

RESOLVED (SIX voted FOR, FOUR voted AGAINST and TWO ABSTAINED) that the planning application be approved in accordance with the drawings submitted with standard conditions relating to materials and landscaping.

228 151798 Aqua Springs, Cowdray Avenue, Colchester

The Committee considered an application for one illuminated fascia sign at Aqua Springs, Cowdray Avenue, Colchester. The application had been referred to the Committee because the applicant was the Council. The Committee had before it a report in which all the information was set out.

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

229 152019 Axial Way, Colchester

The Committee considered an application for a proposed 100 metre hoarding around the edge of the Axial Way development site promoting Colchester Borough Council's 'Northern Gateway' as a destination for sports, leisure and entertainment at Axial Way, Colchester. The application had been referred to the Committee because the applicant was the Council. The Committee had before it a report and an amendment sheet in which all the information was set out.

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