

PLANNING COMMITTEE
14 JUNE 2012

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Peter Chillingworth*, Helen Chuah*,
John Elliott*, Stephen Ford, Sonia Lewis*,
Michael Lilley*, Jackie Maclean*, Nigel Offen*,
Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Jo Hayes for Councillor Nick Barlow*
Councillor Mark Cable for Councillor Nigel Chapman*
Councillor Mary Blandon for Councillor Jon Manning*

Also in Attendance :- Councillor Dave Harris

(* Committee members who attended the formal site visit.)

Councillor Sonia Lewis (in respect of her acquaintance with Roger Buston and as her solicitor) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Mark Cable (in respect of his business association with Tesco as a potential customer) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Nigel Offen (in respect of his place of residence being in Drury Road) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Mary Blandon (in respect of members of her family and friends being resident in the area) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Laura Sykes (in respect of Roger Buston being her solicitor) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

10. 120412 Butt Road, Colchester

The Committee considered an application for a local centre comprising a supermarket, six retail units, affordable housing and car parking. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Cormac Davies presented a petition comprising approximately 535 signatures in the following terms:- "We the undersigned object to the current Tesco proposal for a store of 1,300m² on Butt Road. We ask the council to refuse planning permission and insist that the supermarket is reduced in size to 512m² (the original plan). To minimise increases in traffic (road safety, congestion, pollution, noise) and to protect existing local businesses".

Cormac Davies addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application as a local resident with children at the local primary school. He acknowledged the site had been designated for a food store but he was concerned about its size. He believed the designation specified a 1,000m² food store which the neighbourhood supported. The neighbourhood did not want a store two and a half times bigger; and together with the three retail outlets it would be five times bigger. The catchment area for the original proposal was 800m but was now nearly double that distance for this proposal. Customers could also order on line and collect from the store. Tesco compare this store to other locality supermarket stores.

Mike Jacklin addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application as a local resident with children attending the local primary school. His objection to this proposal was in respect of the safety of the pavements and increased use of local roads. The pavements were too narrow for pedestrians to pass safely without stepping into the road. He predicted an accident because of additional traffic entering the site and local minor roads being used as rat runs which, with the largest primary school in the borough being located 300m from the site, would be dangerous for children. He referred to a highway safety impact assessment which he believed did not include local roads and asked that it be widened to include the school catchment area.

Roger Buston addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the original permission of 1994 for a sustainable amenity store and three small shops, not a destination store of 1,300m² and six small shops. A local store was for shoppers on foot whereas a destination store was visited by car from 1,000m away. The Tesco handout showed 50 parking spaces but if the 170 parking spaces were shown it would be four times bigger. Neighbourhood roads would be improved to accommodate the development but those improvements related to the previous smaller development. Residents did not object to Tesco occupying this site, but they wanted a store the size of the original permission and Tesco should apply for that.

Matt Brown addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He was acting as an independent highways consultant for this scheme to deliver improvements to the local network. Local residents and the primary school had been engaged at an early stage. The local network had been assessed and the scope agreed with the Highway Authority. The scheme would enable local people to walk to the store and both the number of car parking spaces and their size conformed to the parking standards. There were minor changes in traffic flows but none were classified as severe. Many

people in the local community had asked for traffic measures such as speed restrictions of 20mph or speed bumps, but the Highway Authority opposed those measures because the traffic could choose to transfer onto other roads. There was an agreement for Tesco to provide weight restrictions to prevent any vehicles over 7.5 tonnes from using local roads. Both Colchester and Essex Highways were of the view that there were no safety concerns to indicate that guard rails along pavements would be appropriate.

Martin Robeson, Independent Town Planning Consultant for Tesco in East Anglia, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Tesco had identified a gap in this area in their overall provision of superstores and express stores in Colchester, which they could fill for communities to the south and centre with an intermediate sized store. Other retailers could require a larger store on this site. Tesco want the small units for appearance and rental income and they would be provided before the store opened. The parking provision of 164 spaces would provide spare capacity at peak trading times in order to avoid any on-street parking.

Louise Gosling addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She referred to the inadequate provision in the local area for people who wanted to do a full family weekly shop. Tesco supported cycle links and the store would create 90 new jobs which would go to local people through the job centre. Tesco would become part of the community and staff would be encouraged to identify local causes; Hamilton Primary School had already been identified. The store and the retail outlets would support each other with footfall which had occurred in other areas, for example in Crouch Street. Tesco would accept any conditions which might be applied. They had consulted extensively and received over 100 letters of support. She urged the Committee to approve the plans.

Councillor Hunt attended and, with the consent of the Chairman, addressed the Committee. He referred to the weight restrictions on the four local streets which he believed Tesco had agreed to fund. However the report suggested that the £30,000 funding was for an investigation rather than the highway works. Tesco had offered to pay for weight restrictions, traffic calming measures, any safety measures around the Drury Road/Butt Road junction and Essex County Council had declined the offer. He was of the opinion that the store was too big and the increased traffic generated would impact on highway safety. A traffic survey undertaken by Essex County Council had identified that for every 300 vehicles travelling from Butt Road to Maldon Road through the local residential roads, there were 1,000 vehicles travelling in the other direction. This was illogical and he requested tough measures. He also wanted the Highway Authority to attend a meeting to explain how they had reached their decision.

Councillor Barton attended and, with the consent of the Chairman, addressed the Committee. All residents accepted and wanted a supermarket to be built on the site because there were no such facilities on Abbeyfields. Those without a car wanted somewhere to do a weekly shop, but all residents wanted a supermarket appropriate to the size where they live and of the size already approved. Residents had anticipated that the result of a large supermarket would result in an unacceptable impact on nearby

roads being used as a short cut. She supported the proposal for a weight restriction. She acknowledged that mother and baby parking spaces would be provided.

Councillor Quince attended and, with the consent of the Chairman, addressed the Committee on behalf of residents in Prettygate Ward. He was also concerned about the road junctions and children who may step out into the road to avoid other footway users. He believed an accident was inevitable and despite what county and borough officers said, it was a serious concern. He requested that consideration be given to safety measures at the Butt Road corner.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee. She raised the issue of allowing small businesses to continue making a living. The roads should be made safe for children to navigate rather than increasing congestion in narrow roads. She was concerned about the capacity and safety of the Butt Road/Layer Road junction for this proposal. She also referred to the original proposal having less impact on the area and residents who live nearby, and to the proposed store being out of proportion for the community's needs. The Sustainable Communities Act stated what needed to be done for sustainability in the area. She questioned the reason for the parking bays being below the standard size and urged the Committee to refuse the application.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. She opposed the size of the store and referred to the detrimental impact on Shrub End Road which, together with Boudicca Road, had not been taken into consideration. She was principally concerned with the number of lorries required to service the store, both those owned by Tesco and those belonging to other suppliers, the route they used to access the store, and those arriving outside permitted hours having to park up to await admittance to the service yard. Also of concern were the number of schools and the risk of accidents. She referred to this application being against policies for the area which appear to have been ignored. She urged the Committee to follow planning policies and refuse the application.

The planning officer responded to representations in the following terms:- he explained that when judged against national and local policies the size of the store was appropriate for a local centre. The submitted application was for a full planning permission and as such must be judged on its own merits. Policy GAR1 refers to a 1,000m² food store but the size was not prescriptive. The default size for a neighbourhood store in the National Planning Policy Framework was 2,500m². The extant permissions for the site provide for over 3,000m² of retail floor space and there was no condition on the extant permission to prevent the proposed food store and three retail units from being converted into a single unit. The application was considered to accord with both national and local policies and it would not be sustainable to refuse the application on the grounds of size.

In respect of sustainable modes of transport, the proposal provided a parking area smaller than required. The proposal promoted cycling and pedestrian improvements throughout the area and was considered to accord with local and national policy in this respect. In terms of parking, the parking bays for the retail development conformed to

the minimum standards. The issue had been raised with the applicant and officers advised that this size was a standard size used by Tesco throughout the country and had not caused operational problems. The aisle widths had been increased to counter the smaller parking bays. The fact that the size of the parking bays did not conform to the Council's preferred parking bay size was not considered to constitute a sustainable reason for refusal.

The Department of Transport guidelines recommend that any junction with a 10% increase would need an assessment. The assessment on the Goojerat Road / Butt Road junction showed an important increase in those areas but was not considered to have a detrimental impact on highway capacity. The other junctions would be subjected to a lower increase in traffic so the Highway Authority did not consider they could justify a requirement for the applicant to undertake a detailed assessment of those junctions. The National Planning Policy Framework states that councils should only request information that is appropriate to the scale of the development. Four side roads had been identified in terms of traffic movements where large lorries could cause a problem. A contribution had been secured to investigate and implement the introduction of weight restrictions on these roads. The actual implementation of weight restrictions would depend on the required public consultation exercise but was supported by the Highway Authority. Tesco had agreed that their deliveries would adhere to a service plan but other suppliers would not be subject to a delivery plan. The Highway Authority wanted other delivery vehicles to use 'A' roads.

In terms of any impact on small businesses, 'competition' and 'need' were not planning considerations. In terms of noise and air pollution, this council's Environmental Control team had not identified any significant harm on either of these issues; the area was not an Air Quality Management Area. A noise assessment had been submitted which demonstrated that the proposal would not have a detrimental impact on the area.

In terms of traffic calming, the introduction of such measures in one of the side roads would displace traffic to another of the side roads. Survey work had not highlighted capacity or safety issues in these roads and it would be unreasonable to ask the applicant to fund a comprehensive package of traffic calming measures in all those roads. The narrowness of the pavement in Drury Road had been acknowledged but current accident records did not indicate that this section of road was dangerous; there had been two car accidents and two accidents involving cyclists in the general vicinity of this junction. Guard rails at the edge of pavements were not advised because they would reduce the width of the path even further and children may go outside the guardrails. The National Planning Policy Framework stated that applications should only be refused where the highway implications were severe. This was not considered to be the case in respect of this development.

Despite reassurances that the Highway Authority had not identified any highway safety issues, members of the Committee remained concerned about safety issues in terms of the highway, including side roads, the footway and the junctions. Members referred to congestion for two months after the opening of the Tollgate superstore in the recent past. They believed that tracking of lorries did not work, drivers kept engines running while they were waiting to enter the unloading area, and trolleys could not be controlled. There was a request that the Highway Authority be required to attend a

Planning Committee meeting in order to explain the traffic assessments and how that Authority had come to their conclusions.

Members of the Committee had great sympathy with people in the area however, and most of the local population did want a store. If the traffic generated by a store of this size could be accommodated safely on the road system safely the debate about size would be irrelevant and the proposal would be acceptable. With the grant of planning approvals, the Garrison development was being implemented and occupied by residents and a food store in this location would be an asset; indeed the residents had been expecting one for some years. If this application was refused Tesco could appeal and an Inspector would be looking at the policies. Therefore there was a need to look more carefully at the highway safety aspect. If there was a robust safety impact assessment this might allay some of the fears of the local people. The Highway Authority were the borough council's experts in this matter and this authority needed the reassurance of a robust highway impact assessment.

The planning officer responded to committee members' comments in the following terms. The Highway Authority had been pushed to explain why they considered the current proposal to be acceptable and in particular that the capacity of the road and junctions were adequate. There was an existing approval on the site and the surrounding road and footway network had been improved as part of the Garrison development, which included this site. Some of the pavements were narrow, however it was not considered that the current proposal would generate a significant change in vehicle movements when compared with the approved schemes. Evidence would be required in respect of highway capacity or highway safety issues to warrant a refusal on highway grounds; such evidence had not been submitted. There was a need to demonstrate that the proposal would lead to severe harm; to go against that advice would not be a prudent decision. It was considered reasonable to require a service delivery plan, however the council could not reasonably control impacts further away from the site. Traffic assessments at the nearest junctions had demonstrated that whilst there would be an increase in traffic movements, this would not adversely affect the capacity at the junctions.

The design of the proposal reflected the area fully. Conditions could be imposed to prevent nuisance from trolleys and bins. Appropriate parking bays for disabled and mother and child were included in the scheme.

The Development Services Manager recognised members concerns and suggested that the matter be deferred so that officers could seek the information required by members from the Highway Authority regarding highway issues. He was confident that the highway safety issue could be analysed in detail and he offered to invite colleagues in the Highway Authority to attend the Planning Committee so members could properly investigate highway safety aspects. This authority did not have a budget to pay for independent assessments, and in any case Essex County Council was the relevant Highway Authority which this authority relied on for advice. Essex County Council should be given the opportunity to explain their case; it would not be proper to dismiss them.

The size of the store must be related to the current national and local planning policies;

the increase in size of the store was above that contained in the policy GAR1 but there was also a requirement to look at the impact in order to identify any harm. The previous consent had no restriction on size and a larger single food store could be built. He emphasised that a refusal based on the grounds that this store was larger than originally proposed was not sustainable.

RESOLVED (MAJORITY voted FOR) that consideration of the application be deferred for the following:-

- (a) Officers to explore issues with Essex County Council Highway Authority, in particular matters relating to highway safety (safety of school children on narrow footway, junction capacities, delivery routing).
- (b) The matter to come back to Committee at which meeting Essex County Council officers be invited to attend.
- (c) In the event that the Committee is not satisfied with the additional material from Essex County Council, the Committee may require a second opinion from independent highway consultants.

11. 120641 Colchester Academy, Hawthorn Avenue, Colchester, CO4 3JL

The Committee considered an application for the construction of a new split-level three and two storey academy building, the remodelling of a section of the existing Colchester Centre building, light refurbishment of the existing Sports Centre building, associated landscaping and demolition of an existing four-storey teaching building. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Lucy Mondon, Planning Officer, attended to assist the Committee in its deliberations.

Alison McWhirter, resident of Acacia Avenue and representing neighbours, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was opposed to the dominant building on Hawthorn Avenue and Acacia Avenue which was higher than the majority of homes in the area and would overshadow and tower over their homes. She referred to a condition to provide landscaping to soften the building, but questioned how such a dominant building could be softened. She had concerns regarding whether the 5¼ metre wide road would be able to accommodate the construction traffic, and she referred to an increase in traffic with daily deliveries, the school run, the out-of-hours sports centre and theatre use.

Riccardo Grillo, representing residents in Acacia Avenue, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He became concerned as the details became apparent. He considered it

important to build in the right place, referring to the 'garden' layout on the estate. Although the dwellings in Acacia Avenue currently faced a car park, it gave a feel of open space. The building will dominate the space. In the illustrations the gardens were wider and roads narrower than in reality and the high building would be closer to the dwellings than shown. Were this to be granted it would be 90metres high; this would be the easiest and cheapest building.

Alison Andreas, member of the Colchester Academy Trust and Director of Colchester Institute, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. In 2010 the Academy was abandoned when the rebuild project was put on hold and children would have to work in outdated buildings which were affected by flooding. There was a wish to make a statement that Greenstead and St Anne's children were worth the investment. They had looked at alternative sites but Sport England would not permit any building on the playing fields, and building at the rear of the site would entail the demolition of the sports centre, and building on the site of the existing building would create a level of disruption over two years which could not be supported. She acknowledged the concerns of local residents and they wished they could build further north but that would make construction and access difficult. Any of the alternatives were not viable; and anything which pushed the cost above the budget would prevent the project from going ahead.

Ben Marston, architects agents for the application, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He was working to a design with the limitation of the site and residential amenity. The design was determined by the need to build outside of the existing footprint. Along Acacia Avenue it would be two storeys which complied with the Essex guidelines. The building position had been pushed back as far as it could go. Changes had been made to address concerns raised regarding the bin store, and additional planting is proposed. The glazing pattern had been changed to safeguard neighbours' amenity. There were currently 127 car parking spaces and 60 cycle spaces on the site. It was proposed to provide 113 car parking spaces which was 33 above the Essex standards; there would also be a dedicated drop off area and an overflow parking area.

Councillor Dopson attended and, with the consent of the Chairman, addressed the Committee. Residents recognised the need for a building Fit for Purpose. They also recognised there was a disproportionality; 800 pupils and objections from sixteen properties. The objectors did not object in principle to the building. She referred to the report stating that there was nothing in any policies to support a rejection. She also referred to two meetings held for residents to enable the planning authority to understand their objections, the result of which had been a number of conditions and concessions:- external doors fitted to the assembly hall to prevent sound leaching; a gating mechanism; the bin store being moved; plant maintenance; revised landscaping; glazing patterns in upper floor windows; and security measures around the site. She hoped the Committee had seen the mound in front of residents' houses which blocked the car park, but would not block the height of the building. She was not entirely satisfied that this design was the only one possible. However, she wanted the ongoing dialogue to continue between Colchester Academy, the builders and residents.

Councillor Hogg attended and, with the consent of the Chairman, addressed the Committee. This application was about a new building to replace an old building. Three of his children went to the school; and children deserved a new building Fit for Purpose. This was an exciting proposal but he shared concerns expressed by residents regarding the dominance of the three storey building that would front onto Acacia Avenue.

The planning officer's response included the following points:- the three storey element would be 12.9m high and the two storey element would be just under 9.5m high. The adjacent flats were 10.9m high and properties in Acacia Avenue were 7m high. The building would be to the north of the properties in Acacia Avenue and would meet the 45degree rule. She stated that the heights of properties and distances in the listing was accurate. Large vehicles and articulated lorries would be able to negotiate Acacia Avenue with cars parked on the road. She referred to the number of visits by lorry traffic to the school and to the conditions. It had been demonstrated that if the building was moved further north it would make it difficult to get materials on to the site.

Members of the Committee recognised that some residents were of the view that they would be affected and there was some sympathy with the residents. The larger building was to the north and good planting would block out the large building. One of the positive aspects to the situation was the consultation which had taken place. The general principle was positive because the old buildings were ugly and not fit for purpose; a modern, well designed school building was much needed and would make a difference to the community. Some considered the new building would not be as bad as people envisage. The issue was more a question of views than loss of light. The building work would be disruptive during term time. Acacia trees were suggested as part of the planting scheme. Some members supported the demolition of the theatre and wanted energy and resource efficient measures to be incorporated. There was some disappointment at the level of cycle parking provision.

The planning officer responded by referring to a condition regarding landscaping and they could request that the landscaping officer consider Acacia trees be incorporated if appropriate. Whilst a view was not a material planning consideration, the issue here was whether or not the structure was oppressive or overbearing. Cost was also not a material planning consideration. However, moving the building further north might prevent emergency exits throughout the site. In terms of energy efficiency, she referred to building regulations which had to be complied with. The authority was required to assess the application as submitted and was not able to insist on solar panels. The current number of pupils was 800 and the proposed number was 1,200. There would be 60 spaces for cycles. The Highway Authority was satisfied that the majority of students walked to school with twenty-seven pupils and two staff cycling. Officers would check that satisfactory arrangements had been made in respect to the bin store and recycling facilities. The Development Services Manager confirmed that they had worked with Carillion elsewhere and wanted to include the principle of the Academy Trust, residents and builders having ongoing discussions including landscaping details.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report, on the Amendment Sheet together with

additional conditions for recycling facilities, landscaping and dialogues with residents be ongoing.

Councillor Michael Lilley (in respect of his acquaintance with Mr Norman, the agent) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

12. 120657 Land rear of 103 Bromley Road, Colchester, CO4 3JG

The Committee considered an application for a change of use of land from agriculture to a paddock for grazing horses and the retention of an associated building for use as stables and decked area. The application was a resubmission of 112201. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Simon Osborn, Planning Officer, attended to assist the Committee in its deliberations. He drew attention to the unusual access arrangement but explained that the Highway Authority did not want an intensification of the vehicular entrance to the north east of the site. The delivery of feed and removal of horse manure would be achieved from the parking area within the curtilage of the application dwelling. The permission would be personal to the applicant.

Steve Norman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that there were no ulterior motives or any intention for future residential use. The ponies were currently stabled in Lawford and Tiptree. The applicant had not been aware that the land required planning permission, but in any case they had not moved the ponies onto the site. The access track behind The Beehive public house would not be used frequently. Visits by a vet or farrier would be via the property.

Councillor Hogg attended and, with the consent of the Chairman, addressed the Committee. He had called in the application on behalf of residents in Owls Retreat who were at the same height as the field and they would suffer from a loss of visual amenity. He referred to the stretch of road being dangerous and he was aware that the vehicular access would only be used on rare occasions. He supported the personal permission.

The planning officer explained that in planning law residents did not have right to a view. Any overbearing impact would be screened out. A condition relating to the rear access would assist in the control of the number of movements along the track. He also referred to the addition of a condition making the permission personal to the applicant.

Members were concerned at the steep access with uneven steps and no handrail which

in winter conditions could make the access almost impossible. There were also concerns that no riding school or other business use should be permitted. The highways issue was a concern but reassurance had been given by the applicant. In planning terms members recognised that the grazing of horses would be acceptable; the land was appropriate for the use and was close to the dwelling.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet together with an additional condition for a personal permission to the applicant.

Councillor Dave Harris (in respect of his role as Vice-Chairman of the governing body at the school) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

13. 120548 Land at 10 Monkwick Avenue, Colchester, CO2 8NL

The Committee considered an application for a proposed new dwelling on land at the side of an existing dwelling including parking etc. The Committee had before it a report in which all information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Mark Russell, Principal Planning Officer, attended to assist the Committee in its deliberations.

Councillor Mudie attended and, with the consent of the Chairman, addressed the Committee. He made representations on the basis that the parking space exiting onto School Road was a danger and a safety issue and the three parking spaces at the front of the properties were substandard. The school had not been informed about the application. He asked that the application be deferred for an improved scheme.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He referred to a petition for safety measures around School Road. Although he had no objections to the house, he was opposed to the application because it would not be possible for a car to exit safely into School Road regardless of any splay that might be provided.

Councillor Barton attended and, with the consent of the Chairman, addressed the Committee. She was also concerned at the parking space exiting onto School Road, particularly because of the high number of pedestrian and vehicular movements. She considered it impossible for a vehicle to reverse out of the space and could not believe it constituted an acceptable access. She was also disappointed that the school had not been consulted and wanted the application deferred until the matter was resolved.

The planning officer explained that the vehicular entrance in School Road had not been requested by the Highway Authority, and that parking bay standards were based on a

large vehicle, such as a people carrier. He stated that a car parking space at 5metres in depth would be acceptable "in special circumstances". He also confirmed that the neighbouring school had been consulted and that the matter should not be deferred.

Members of the Committee were not willing to support the application because of the congestion and parking where parking restrictions are in place in School Road at school arrival and leaving times. There was an opposing view that the proposed house was attractive and that the Highway Authority had not raised an objection to the sub-standard parking spaces.

RESOLVED (MAJORITY voted FOR) that the application be refused on the grounds that the parking spaces at the front of the dwellings were sub-standard and any vehicles exiting the rear parking space were likely to cause a danger to school children travelling to and from the adjacent school. The hazard was compounded by the proximity of cars parked on the opposite side of the street.

14. 100534 Land rear (NE) of 148 St Andrews Avenue, Colchester

The Committee considered an application for the erection of a detached bungalow with associated parking facilities. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

15. 120484 Land at Meadow Green Farm, Mount Bures Road, Wakes Colne

This application was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services immediately before the commencement of the meeting to allow reference to be made to a late submission sent by the agent which had not been reported on the Amendment Sheet. The application to come back to the Committee for consideration.

Councillor Sonia Lewis (in respect of a meeting she attended at Lexden Wood Golf Club at which she discussed local issues) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Mark Cable, Councillor Peter Chillingworth, Councillor John Elliott, Councillor Sonia Lewis and Councillor Jackie Maclean (in respect of the Conservative Group having held fundraising events at the premises) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Helen Chuah (in respect of the weekly meetings of her Rotary Club being

held at the Lexden Wood Golf Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

16. 120708 Lexden Wood Golf Club, Bakers Lane, Colchester, CO3 4AU

The Committee considered an application for the erection of a single storey coffee house, internal alterations to the existing refreshment bar, and the relocation of existing parking spaces. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

17. 120827 War Memorial, High Street, Colchester

The Committee considered an application for the installation of temporary flag poles and flags during the Olympics. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

18. 120765 5 Bawtree Way, Colchester, CO3 4EP

The Committee considered an application for a proposed garage and garden store. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds of the height and scale of the proposed building, from which it is deemed to be a discordant element in the residential area that would unduly affect the amenity of neighbouring properties.

19. Endorsement of proposed amendment to the 229a Garrison legal agreement in respect of affordable housing // Area L & N

The Committee considered a report by the Head of Environmental and Protective Services seeking the Committee's endorsement of a Deed of Variation to the s299a Garrison legal agreement to provide a reduced provision of affordable housing on the part of the Garrison Urban Village Development known as Area L&N, comprising land to the west of Circular Road West and to the south of Goojerat Road. The Committee had before it a report in which all information was set out.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Lauren Dooley, planning consultant engaged to represent Taylor Wimpey, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the proposed Deed of Variation. She explained that the existing s299 legal agreement did not provide a mechanism to take account of the decline in the housing market, the current climate of high costs, a difficult mortgage situation and sales climate. The request for a reduction of forty-seven affordable housing units was sought to provide the developer with an acceptable return and had been agreed with the Council's independent consultants. Taylor Wimpey were committed to the project and wished to continue to build but would be forced to cease operations on the Garrison if the development was deemed to be unviable. She requested the Committee to agree to this proposal.

The planning officer explained that the economic climate and the way the affordable housing was funded had both changed during the course of this application. The viability appraisal was based on a developer's profit of 12% rather than a more typical 20% and included a write down in the value of the land. If a 20% profit margin was applied, it was possible that no affordable housing would be provided on this site. The developer's alternative options were either to mothball the project or to submit a fresh application and go to appeal. It was recommended that the Committee endorse the proposal.

RESOLVED (MAJORITY voted FOR) that the Deed of Variation to the s299a Garrison Legal Agreement be endorsed to provide a reduced provision of affordable housing on the part of the Garrison Urban Village Development known as Area L&N.

20. Early Member Involvement Initiative // Amendments to the Member Engagement in Pre-Application Planning Discussions Protocol

The Head of Environmental and Protective Services submitted a report detailing proposed amendments to the Member Engagement in Pre-Application Planning Discussions Protocol following a review of the working of the Protocol and feedback received from members. The Committee had before it a report in which all information was set out.

Vincent Pearce, Development Services Manager, attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that the proposed amendments to the Member Engagement in Pre-Application Planning Discussions Protocol be agreed and would take effect upon completion of appropriate changes being made to the Planning Procedures Code of Practice.