

# PLANNING COMMITTEE

## 5 JULY 2012

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

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

### 21. Minutes

The minutes of the meeting held on 24 May 2012 were confirmed as a correct record.

### 22. 120973 Land opposite Sanders Drive, Lexden Road, Colchester

**Councillor Lewis (in respect of being acquainted with many of the objectors) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**Councillor Manning (in respect of his employer, St Benedict's Catholic College, having taken a lead role in opposition to the application) declared a disclosable pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.**

The Committee considered an application for prior notification of a proposed development by telecommunications code system operators for the installation of a 12.5m (to top) pole painted black and an associated electronics cabinet 1.9m x 0.8m x 1.65m. 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.

Peter Hill, Planning Officer, attended to assist the Committee in its deliberations. He showed a map of this area of Lexden upon which was superimposed the level of mobile signal reception to demonstrate that the current level of reception was lower than that of the surrounding areas and the predicted level of reception which would be on a par with the surrounding areas.

Jill Blaxill addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She referred to the objections to the phone mast being the largest number to date, and to five previous applications which were all refused. The site was within one of the most uniquely pleasant roads in Colchester; Lexden Road was a designated Conservation Area. The proposal would

be highly inappropriate and visually unacceptable. Had the site been within the Conservation Area more stringent conditions would apply; it was just outside one Conservation Area and 100metres from another. She related the history of previous mast applications and added that nothing had changed since that time. She referred to recommendations of the Stewart Report which had commented on the health implications. If approved, 2,000 children would walk though the beam of greatest intensity twice a day and she asked the Committee to refuse the application.

A member of the Committee enquired about the beam of intensity, but it appeared that the terminology was no longer used. The member thanked the applicants for their co-operation in looking for an alternative site and listed the sites which had been dismissed for various reasons. The member believed the mast would be prominent and intrusive when viewed from Sanders Drive and noted that the Landscape Officer's comments on the Amendment Sheet gave some credence to the photomontages of the mast which appeared to illustrate the mast as prominent and potentially visually intrusive when viewed from Sanders Drive.

The Stewart report stated that health considerations could in principle be taken into account but it was for the local planning authority to decide what weight to give to such considerations. She believed that there was a public perception of health dangers in regard to proximity of schools and number of children who pass the mast twice a day. She believed that this was a special case and danger to health could be considered a reason for refusal; siting and impact were also valid reasons for refusal as was impact on the Conservation Area and visual impact on Lexden Road with increased intrusion when viewed from properties in Sanders Drive.

The planning officer referred to the Amendment Sheet in respect of objections on the grounds of health. Following on from the Stewart Report in 2000 some recommendations were taken on and some were not. At that time explicit instructions were given that proximity to schools should not be cited as a reason for refusal. PPG8 included advice that it was the government's firm view that it was not the place to consider health aspects and concerns about them. He drew members' attention to the report where there was set out explicit guidance from the Government against considering health issues as they could lead to a potential claim for costs. The setting however was a material planning consideration, but the search suggested that there were no other options.

Other members of the Committee had some sympathy for the people of Lexden because there would be some intrusion, although background conifer trees may afford some visual protection in time. Weighing up the evidence against economic and sustainability factors there was likelihood that an appeal would be lost.

The planning officer explained that a lower mast may not provide the coverage the applicant was seeking because of the trees around the site. Whilst it was not possible to impose any conditions, the authority could indicate their preference for an alternative colour with a good chance that they would agree.

*RESOLVED* (MAJORITY voted FOR) that the application be approved and the applicant be requested to consider either dark blue or flat green as an alternative colour

to a black mast.

### **23. 111672 Cannock Mill House, Old Heath Road, Colchester, CO2 8AA**

The Committee considered an outline application for a mixed residential development of twenty-three homes comprising two, three and four bedrooms with associated amenity and parking. 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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. Neither the Grade 2 listed Cannock Mill, nor the mill pond formed part of the application site; the setting of the mill should be protected. Whilst applications have not been received, the applicant's agent indicated the intention was to convert the mill building into a single dwelling with satisfactory curtilage and parking. The application site was not within the flood zone, but there was a possibility that the mill pond could form part of a drainage proposal and there were a range of conditions relating to groundwater and surface water treatment.

Dominic Collins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The site was on a major traffic route, forms an important east-west corridor and containing a Grade II listed building on site. He referred to there having been no consultation with English Heritage and many of the surveys requested had not been addressed. Various natural habitats would be affected. There would be drainage issues leading to increased flooding at the front of the site. 23-40 vehicles would access the site presenting a danger particularly with the nursery on site and the displacement of five cars which currently parked on site. Any children living on the site would need to cross the road to access other schools. Schools nearby were oversubscribed.

Roger Hayward addressed the Committee on behalf of the owners, pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He acknowledged that the site presented challenges. This was an outline application; reserved matters would comprise design and materials proposals. The scheme was for family housing units and included affordable housing units. The site had good accessibility and the density was lower than it could have been. There were no objections from the Highway Authority. Parking provision was in accordance with the standards. The amenity of surrounding properties had been considered. Wildlife would be protected. The report indicated that the development could take place without any ill effect on trees, surroundings and ecology.

Councillor Blandon attended and, with the consent of the Chairman, addressed the Committee. She was unhappy with the slab levels and wanted to ensure that residents in Barn Hall Avenue would not be affected. She referred to the management of the mill pond, retention of trees and wildlife. The Lime trees at the rear of properties in Barn Hall Avenue were a concern as was flooding of the road from one side to the other.

She considered the contemporary approach and the proposed three storey buildings were inappropriate for the site and had concerns at the additional twenty-three vehicles exiting onto the busy road. She considered the current proposal to be over-development and asked that the application be refused. In the event that the application was approved she requested the addition of road markings at the entrance and traffic calming measures.

Members of the Committee were concerned about a number of issues:-

- the relationship between the listed building and the closest new property;
- that English Heritage should be consulted;
- the shared entrance;
- the ability of the internal roadway to be adopted by the Highway Authority;
- there being too many units on the development;
- a suggestion for the removal of permitted development rights ;
- a natural spring was noticed across the site flowing into the pond and concern at the proposal for a property in front of the pond;
- a drainage system could alleviate the problems of flooding which occurs;
- no mention of sustainable measures – grey water recycling or photovoltaic panels;
- the unit nearest the pond having very little outside space, and amenity space for another unit being below the standard;
- the development would not damage the wildlife corridor because the area to be developed was currently down to grass;
- congestion along the road;
- the nearest schools being full or nearly full;
- the reserved matters application should be determined by the committee.

In response to comments, the planning officer explained that:-

- the contemporary design being satisfactory but the units closest to the mill should be designed more in keeping with the listed mill;
- the unit adjacent to the pond was a first floor flat with parking below. It had only a balcony and a small patio area as its open space, a larger area may be possible;
- the access had been moved away from the current entrance;
- the Highway Authority could be asked about road marking and traffic calming;
- only if the internal roadway achieved adoptable standards would the Highway Authority be able to adopt it;
- highway issues may be a concern to members and residents, but the Highway Authority had raised no objections;
- it was unusual to have a condition for the management of surface water drainage and one had been imposed in response to concerns about the discharge of surface water and potential flooding. The Highway Authority had suggested a scheme to prevent surface water flowing out onto the road. Details of surface water and foul water treatment and works to the pond were both to be agreed;
- residents' privacy could be protected from overlooking at the reserved matters stage;
- the removal of permitted development rights was normally only imposed if the garden sizes were already so small that any further development would make them very small.;

- the site had the potential to exceed current requirements and sustainability;
- conditions in respect of sustainable construction would be imposed;
- the green link between Distillery Pond and Bourne Pond which included Mill Pond would be preserved;
- there were conditions for the retention of dead and rotting wood and the management of the pond;
- the pond had the potential for sustainable drainage although it did not form part of the current submission;
- several of the issues raised by the Natural History Curator were outside the scope of this application;
- it was not appropriate to consult English Heritage because the application did not exceed their thresholds where consultation was required.

*RESOLVED* (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to provide for the following contributions:-

- Affordable housing at 35% proportional to the overall mix;
- Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document;
- Community Facilities in accordance with the Council's Supplementary Planning Document;
- Education contributions, Primary, Early Years and Creche as Essex County Council formula; and
- Highways contributions to provide transport information packs.

(b) Upon receipt of a satisfactory Section 106 Legal Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report, on the Amendment Sheet and a larger garden area to the unit adjacent to the pond be provided if possible.

(c) The reserved matters application to come back to the Committee.

## **24. 120380 Land between Haven Road and King Edward Quay, Colchester**

**Councillor T.Higgins (in respect of her spouse being employed by the University of Essex) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the demolition of existing buildings, site remediation and restoration works and mixed-use, student accommodation led development comprising of linked blocks of 4, 5, 6, 7, 8 and 9 storeys with 722 rooms that contain a total 765 bed spaces, approximately 1,288m<sup>2</sup> of shared facilities (bin stores, cycle stores, laundry, maintenance areas, lounge, reception/management area and shared open space) as well as convenience food retail store (A1), restaurant/bar (A3/A4), community space/gym (D1/D2), private and public open spaces, parking

provision and a new vehicular access from Haven Road. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to comments on the Amendment Sheet and to the scheme of remediation having already been approved.

John Lawson, agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application on behalf of the applicant, owners and developers. This was a £35million development which would bring significant environmental and community benefits. The developer was ready to commence remediation and restoration works and the rest would follow. This was a mixed use scheme with potential benefits including a restaurant and bar. The student accommodation would be managed by a specialist national student accommodation company and would relieve pressure on the rented sector in the town. It would provide a pleasant and safe environment and would open in time for the next academic year; the remaining 354 bed spaces of accommodation would become available in 2014/15. The scheme included a new public park and spaces for public events which would be pump primed with a developer contribution.

Members of the Committee raised a number of comments:- the lack of any defined parking standards for student accommodation; parking provision does not meet the standard of one space for every five students; and the result will be on-street parking extending to the rest of the ward; the minimum standard has been applied for cycle parking; cycle paths need joining up; like to see more done for cyclists in the area along the lines of comments from the Colchester Cycle Campaign; wheelchair users should be able to access every room; there should be provision of car parking spaces for disabled users; the roof area should be made inaccessible for student safety; there was no outdoor space for kicking a football; open space may be used as a skateboard park; speculation regarding supply and demand for student accommodation; speculation regarding users of the retail spaces; issues regarding the use of Section 106 contributions; a range of opinions regarding the timing of the bridge being available for use; the council should look at maintaining the use of the open space; and a statue or water feature for the garden.

The planning officer explained that:- the developer had been made aware of the parking standards; the standard applied was the nearest applicable, in line with other student accommodation nearby; it was envisaged that the student car spaces would not be used every day; there was no on-street parking in the area; a disabled student parking area would be located near to disabled lifts and there would be general disabled parking spaces within the public parking area; the Highway Authority had not raised any objections to the parking provision; it was understood that the open space would be multi-functional; there would be a mix of hard and soft landscaping; there would be 24 hour surveillance on the site so that issues such as unruly behaviour could be controlled; access to the roof would not be available to occupiers of the units; 300 of the units would be let to the University; this was a mixed use development which had

a relationship with the wider area; the bridge would be similar to the other footbridge nearby, the bridge contribution that would be secured as part of the Section 106 agreement was based on the cost of the bridge that had been erected to serve the Weston Homes development to the northwest of the King Edward Quay site, but in any case the bridge was outside the control of the applicant; the landscaping scheme was conditioned and final details were within the council's control; cycling facilities would be provided in accordance with the policy; there was no ability to require ongoing contributions for activities in the open space; and in terms of sustainability SUDS and photovoltaic cells were included in the scheme.

The Development Services Manager accepted the Committee's concerns for the well being of students in such a high building and suggested there be a condition to prohibit any resident having access to the roof. He noted the Committee's point that the bridge was a priority and agreed to establish how quickly it could be provided. The cost of maintaining the open space and toilet facilities was at the developer's expense and was recognised as an extraordinary commitment. In terms of events in the open space, discussions were already taking place with the University of Essex Student Union.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to provide for the following contributions:-

- a £180,000 contribution to off-site sport and recreational facilities (this sum split into two £90,000 amounts to be paid at identified trigger points);
- a £85,000 contribution towards community development events and activities to be held on the on-site open space – again this sum to be paid in two amounts of £42,500 at identified trigger points;
- a £300,000 contribution to be designated towards bespoke transport information and marketing packs for students and activities/projects which positively influence their travel behaviour;
- a contribution of £250,000 towards a new bridge across the river. However, if the bridge is not provided within a reasonable period of time then the funding may be used for the provision of specific identified pedestrian/cycleway enhancements between the application site and the University of Essex Campus identified in the Cycle Strategy SPD;
- a contribution to cover the cost of any amendments to existing and/or proposed waiting and/or loading restrictions required as a result of the proposal;
- other elements of the agreement would include ensuring public access to the designated open space and agreement on the use of the community facility on the site.

(b) Upon receipt of a satisfactory Section 106 Legal Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet together with a condition to prohibit access to the roof by residents.

## **25. 120333 Land to the rear of 310-318 Ipswich Road, Colchester**

The Committee considered an application for two houses at the rear of 310-318 Ipswich Road. The application was a resubmission of application 111408. 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 referred to the Amendment Sheet and also to a number of trees which had been removed from the site, but added that they did not benefit from Tree Preservation Orders.

Councillor Gerard Oxford attended and, with the consent of the Chairman, addressed the Committee. He referred to the planning history and to several trees on the site having been removed. He also referred to the lack of a pedestrian footpath and vision splays when exiting because of a hedge and wall, not in the applicant's ownership, obstructing views to the right. He referred to the need to consider pile foundations because High Woods trees have had to be removed because they were too close to houses. There were trees in the country park along the western boundary of the site. If the Committee were minded to permit the development he asked that a condition regarding pile foundations be added to secure the safety of the trees for the future.

Members of the Committee were aware of the shared access to the site with the adjacent business premises and that the owner had a right to remove the trees because they were not protected by a Tree Preservation Order. Members questioned the size of the garages which were below standard, but it was explained that whilst there was room for bigger garages they would have a bigger footprint, be higher and more dominant. In any case the parking standards would be met without the garages.

The planning officer explained that the Highway Authority had no issues regarding the visibility splay for the existing access which also served the dental practice. Details of the visibility splays were to be provided prior to commencement of the development. He agreed that the country park was a high quality area and that this proposal included a native species hedge along the western boundary with the country park. He explained that the new hedge was a reasonable condition, the exact wording of which was being discussed with the tree officer.

*RESOLVED* (MAJORITY voted FOR) that –

- (a) Consideration of the application be deferred for submission of the following:-
- an amended plan being received to show landscaping to the western boundary of the site;
  - an updated tree report being received to include proposed means of protection of retained trees; and
  - confirmation from the Landscape Officer and Arboricultural Officer that the



additional information is acceptable.

(b) Upon receipt of the documents and information required, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report, on the Amendment Sheet plus a condition requiring details of foundations to be agreed prior to the commencement in order to ensure that the wellbeing of trees to be retained is not prejudiced.

## **26. 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 to allow more time for a consultants' report to be received.

## **27. 120411 Greyfriars, High Street, Colchester, CO1 1UG**

The Committee considered an application for a variation of Condition 15 Use of rear terrace, Condition 20 Amended car park layout, Condition 26 Outdoor events and Condition 27 Use of outside areas, following grant of planning permission 102680. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Mark Russell, Principal Planning Officer, attended to assist the Committee in its deliberations. The application had been considered at the Committee's meeting on 24 May 2012 and amended Conditions 15, 20 and 27 were agreed, but the matter was deferred for further information regarding Condition 26. He referred to a map received from the applicants showing the location of all addresses to be notified in advance of an outdoor event.

John Lawson, agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that the applicants were very keen to progress the proposal and were similarly keen to have a good rapport with residents, and his client was content with the solution outlined in the report.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He was content with the rewording of Condition 26 but suggested that the permission should be for one year only and there be a review of events held during the year to make sure there were no issues. This was a new type of 'boutique' hotel and residents were not sure what it meant and how it would operate.

The planning officer reminded the Committee that the applicant was not seeking a temporary condition for outdoor events. The Development Services Manager suggested a condition requiring the hotel operator, the planning service and residents to meet on an annual basis to discuss the proceeding year's events.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with a further condition regarding an annual meeting between the hotel operator and the residents' association and planning service to discuss the operation of the hotel during the previous year.

**28. 120891 15 Hawlmark End, Marks Tey, CO6 1NF**

**Councillor Lewis (in respect of her acquaintance with the applicants) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for a first floor side extension over a garage and conversion of the garage. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Mark Russell, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to matters on the Amendment Sheet.

Helen Venner addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She made representations in respect of the bathroom window which would impact on her rear garden. She requested that the window be moved so it overlooks the neighbour's own conservatory roof instead of her garden. The first floor exterior finish was plaster which could only be maintained from her property. She preferred an exterior finish to the first floor to be a material which did not require any maintenance. She also sought reassurance that the house would not become two properties.

Councillor Blundell attended and, with the consent of the Chairman, addressed the Committee. She requested that the application be looked at again with a view to making alterations to it. The extension was too bulky and overbearing, although there were others similar. In the officer's report there was a passing reference to an application for no.11 which had been refused and rejected on appeal. The first floor window would look into the secondary living room and she asked for the window to be moved. Finally she suggested the finish be entirely in brick to avoid any maintenance issues.

The planning officer explained that the difference between this application and the neighbour's application in 2005 was that this extension would be much further back on the plot. His response on the Amendment Sheet to the 'front door' suggested that such a door be excluded with an additional condition that it should not be reinstated at any time. Limited opening with the window facing rightwards was suggested for the bathroom window to overcome overlooking into the garden. A member of the Committee suggested recessing the bedroom window to avoid overlooking into the lounge window.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as indicated in the report together with the following amendments:-

- materials to be substituted by brick;
- removal of the ground floor entrance door and restriction on creating any opening;
- requirement for a limited opener on the first floor rear bathroom window hinges to be on the left side (looking out of the bathroom window); and
- either a set back or a build out with blank cheeks in respect of the proposed first floor bedroom window in order to minimise the risk of overlooking of adjacent windows.

**29. 120954 24 Alan Way, Colchester, CO3 4LG**

**Councillors Lewis (in respect of her acquaintance with the applicant's agent, and her daughter and son-in-law and family's residence being in Alan Way) and L.Sykes (in respect of the applicant's agent being her neighbour) each declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for two storey front and rear extensions together with a single storey side extension. 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.