

PLANNING COMMITTEE

17 NOVEMBER 2011

- Present :-* Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, John Elliott*,
Stephen Ford, Peter Higgins*, Sonia Lewis*,
Jackie Maclean*, Philip Oxford and Laura Sykes*
- Substitute Members :-* Councillor Nigel Chapman
for Councillor Christopher Arnold*
Councillor Barrie Cook for Councillor Theresa Higgins*
Councillor Nigel Offen for Councillor Jon Manning*
- Also in Attendance :-* Councillor Kevin Bentley
Councillor Pauline Hazell
Councillor Martin Hunt
Councillor Colin Sykes

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

83. Minutes

The minutes of the meetings held on 20 October 2011 and 3 November 2011 were confirmed as a correct record.

Councillor Laura Sykes (in respect of her membership of Stanway Parish Council and her role as Chairman of the Stanway Parish Plan Steering Group) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Colin Sykes (in respect of his membership of Stanway Parish Council and of the Stanway Parish Plan Steering Group) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

84. 110026 Areas Sr1 and Sr2, Lakelands Phase 2, West of Robin Crescent, Colchester

The Committee considered an application for approval of reserved matters following outline approval under F/COL/01/0976. 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.

John More, Planning Officer, attended to assist the Committee in its deliberations.

Mr Wright addressed the Committee pursuant to the provisions of Planning Committee

Procedure Rule 8 in opposition to the application. He was disappointed to learn that the access for residents during construction of this phase would be via Robin Crescent, instead of via Osprey Close which was no longer feasible. He referred to an incident where a fire appliance had been unable to reach a house fire via Robin Crescent. He noted that the design of the buildings in this phase was different from the earlier phase. He asked that the conditions for landscaping schemes be in compliance the approved scheme, and he hoped the traffic control measures did not include rumble strips which caused disturbance to residents. There had been no indication that there would be three storey buildings on the junction with Heron Close.

Michael Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The scheme followed the outline approval and was in accordance with the Essex Design Guide, the masterplan and the design code and had been developed following discussions with planning officers. The design code specified distinct areas each with an individual design style. There had been a public consultation and discussions with members of the design team which lead to revisions in the design of dwellings and the reduction of new homes on Robin Crescent. He confirmed that all roads and drains would be built to adoptable standards.

Councillor C.Sykes attended and, with the consent of the Chairman, addressed the Committee. He voiced his concerns that a development of this size and complexity with 120 different documents and drawings on the website, should not be decided by an officer. He wanted the decision to be open and transparent. All residents had been kept informed but they had been under the impression that this phase would mirror the earlier phase, whereas the design, detail and density were all different from the earlier phase. The congestion in Robin Crescent was bad and would not improve. Access and egress to the western by-pass was now being shown via Osprey Close. He was aware that the construction of this phase would impact on existing properties.

The Planning Service Manager responded to Councillor C.Sykes' comment regarding the potential for the application having been determined by officers. He confirmed that the Scheme of Delegation stated that approval of reserved matters was delegated to officers however many objections were received to the application. This application was being considered by the Committee because the councillor call-in process had been activated.

Councillor Bentley attended in his role as the County Councillor for Stanway and, with the consent of the Chairman, addressed the Committee. He agreed with all of Councillor Sykes' comments. He did not want this phase to be as protracted as the earlier phase. Therefore, he requested that the roads, pavements, shrubs, etc. be completed in a timely fashion. He wanted proper provision for traffic on and off the site. He hoped that this phase would trigger the construction of the western by-pass and that would bring traffic relief to a congested part of Colchester. He asked that the fire service be requested to test the accessibility for fire tenders. He confirmed that Essex County Council would not provide new salt bins and he asked that developers consider providing extra salt bins.

In response the planning officer referred to the request by residents for the two

properties at the entrance to this phase to be built in red brick rather than clad in weatherboard. He confirmed that the access to the site and delivery arrangements would be conditioned. He explained that work on the by-pass would be covered by a bond and was scheduled to commence prior to work commencing on the first dwelling and would be completed within 2½ years of that date. He confirmed that it would not be possible to require the provision of additional salt bins because the Section 106 Agreement had been finalised at the outline stage. The exit from the development via Osprey Close would relieve congestion in Robin Crescent, but it would not be available until completion of the by-pass, in the meantime there would be 84 more houses using the Robin Crescent access.

The Highway Authority had adopted the roads within Phase 1 earlier this year and they had not raised any objections to this amended scheme; the points they had raised could be dealt with by condition. Noise and disturbance could be addressed by a traffic calming scheme secured by condition. He referred to the amendment on the two properties at the entrance which was supported by the urban designers. He referred to the timescales attached to this phase, which it was hoped would prevent a recurrence of the delays experienced on the earlier phase, and that this phase was being developed by a different developer from the earlier phase. The roads were required to be made up to coarse base level before the occupation of any dwellings. Management of the site in respect of access for construction vehicles and deliveries was conditioned. There was no Section 106 Agreement to accompany this reserved matters application; all Section 106 matters were agreed at the outline stage.

Members of the Committee made the following comments:-

- Plots 27 and 42 in Robin Crescent should be built in red brick not in weatherboarding;
- which properties were below the standard provision of private amenity space and by how much;
- there were eight plots in Osprey Close which were provided with rear parking, but the existing rear parking provision elsewhere was rarely used. There was a question about monitoring;
- there would be major problems in Osprey Close if it was to be the sole entrance and exit and also the bus route;
- mature screening was requested between the western by-pass and the development together with a noise reduction surface;
- a request for the plots be identified where permitted development rights had been removed;
- a query regarding the existing construction compound and when it would be removed as it has caused flooding to some gardens. There was a request for it to be monitored and a timeframe agreed for its removal;
- contact information and conditions, trigger points and the maintenance programme prior to adoption, should be available at all times; someone to be available at all times to receive comments from residents; developers to keep residents informed of progress;
- construction work to be restricted to 8am to 6pm Monday to Friday, ½ day on Saturday and no working on Sundays and Bank/Public Holidays;
- control measures should be in place to control dirt, dust and debris and noise to

- be kept at a reasonable level to minimise disruption for residents;
- car parking to be provided for workers within the construction compound;
- enforcement arrangements in place if any condition is breached;
- the path around the lake to be upgraded, from Section 106 funding or other funding;
- the estate was overcrowded, but parking restrictions were not favoured.

The planning officer confirmed the plot numbers to be built in red brick instead of weatherboarding, and that there were only four properties affected by a shortfall in garden sizes all of which were considered justified in the circumstances. He confirmed it would be possible to impose parking restrictions to ensure a clear access for emergency vehicles, and that the roundabout had been made larger in order to accommodate cars. Screening the by-pass could be controlled through the landscaping scheme for which there were some amendments under consideration. A copy of the decision notice with conditions and contact details of the development company and of the planning enforcement team could be made available for residents.

The Planning Service Manager suggested that informatives be added to cover the construction compound to read: "in the event this developer relocates their compound to the site of the original one, they will be required to carry out remedial works to the original compound" and another informative to cover the provision of additional salt bins. He suggested the Parish Council could ask for the cycle track to be resurfaced out of existing funds. There could be an interim plan to manage and maintain the scheme prior to adoption and if there was a breach of condition action could be taken. In respect of the rear parking courts, the installation of passive motion detection lights and a gate could be discussed with the developer. Debris would be controlled under the construction management agreement and issues of noise could be controlled by Environmental Health; he referred to a new enforcement strategy. There was a standard Informative which referred to the advisory note on construction and demolition which included hours of working. There was a request for a solution to the bottleneck in Robin Crescent, and it was suggested that the developer be requested to agree to an earlier completion of the northern section of the by-pass as far as and including the junction to Osprey Close. Whilst it would not be possible to include this as a requirement, it would be possible to explore the possibility with the developer. Members should be aware that there may be logistical issues which would make this impossible to achieve.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for the following matters:-
 - the submission and approval of the additional contamination/ground gas monitoring report to the satisfaction of Environmental Control and to allow the discharge of Condition 6 of the outline planning permission F/COL/01/0976;
 - the approval of the Landscape Scheme by the Landscape Officer;
 - the submission of an amended drawing to cover the remaining highway authority concerns.
- (b) Upon receipt of a satisfactory additional contamination/ground gas monitoring

report, a landscape scheme to the satisfaction of the local authority, and the submission of an amended drawing to cover the remaining highway authority concerns, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and additional conditions as set out below:-

- restriction of working hours to match those in the standard informative;
- Permitted Development Rights to be removed from the four plots identified during the planning officer's presentation;
- the developer to display in a prominent position the contact details for the site manager and relevant conditions in order that local residents can report possible breaches. The notice also to include details of the Council's electronic enforcement report;
- the two white boarded entrance buildings to be constructed using red brick as white boarding is unacceptable;

together with the following additional informatives:-

- the developer be asked to provide two salt bins within the estate. Councillor Bentley whilst making his representation offered that Essex County Council would fill the bins with salt at no charge;
- Essex County Council to be asked whether the by-pass construction programme can be structured to allow early vehicular access to residents from the Osprey Close/By-pass junction whilst construction carries on beyond;
- the rear parking court to the north to include security measures that include passive motion detection lights and possibly gates;
- in the event that the developer relocates the construction compound at any point during construction to the former compound used by O&H then the developer should carry out remedial works to that compound to overcome flooding issues.

85. 110953 Church Lane, East Mersea

This application was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services to allow additional discussions with East Mersea Parish Council who consider that the Officer's report had failed to address critical issues. The matter to return to the Committee at a future meeting.

86. 111302 Colchester United Football Club Site, Layer Road, Colchester, CO2 7JJ

The Committee considered an application for the demolition of the former Colchester United Football Club buildings and the construction of fifty-eight dwellings together with garages, car ports and including a new road and landscaping. The Committee had before it a report in which all information was set out.

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

deliberations. He reported that all but six of the gardens now meet the Council's standards; taking into account the parking spaces along the entrance avenue there is a deficiency of only half a space; a mixture of wood and metal fencing was required to define the central feature and memorial garden which would be provided with a statue, seating and a plaque using funds given to the council towards public art. The Highway Authority did not support the provision of a zebra crossing on the grounds of siting and cost.

Beryl Cox addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She had intended to repeat her request in respect of the memorial garden for those fans who have had their ashes scattered on the pitch, but she noted that reference was made on the Amendment Sheet to a new Condition 31 to require the provision of a memorial garden and plaque. She thanked the Committee and the planning service for acceding to her request made at the last meeting.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee. She thanked officers for the improvements to the design and layout. She was disappointed that the number of houses had not been reduced and she believed that the extra parking would spoil the vista to the central area. She asked for assurance that emergency vehicles would still be able to access the estate. She referred to the five new dwellings which would have an impact on existing properties. She was disappointed that the Highway Authority had refused the request for a crossing at this point, and remained concerned about elderly infirm residents of Rainsborowe Road crossing the road. She believed that some of the Section 106 funds were set aside for a simple crossing zebra or that Essex County Council would contribute.

Members of the Committee expressed a preference for the barrier around the central area to be steel or concrete and the planning officer acknowledged that wood was not the preferred material. He explained that fifteen dwellings were accessed off Layer Road and that the road width and turning area had been provided in accordance with the requirements of the Highways Authority.

RESOLVED (UNANIMOUSLY) that –

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

- Affordable Housing;
- Travel Packs;
- A contribution towards Highways for improved cycle links;
- A contribution towards a residents' Cycle Training Programme;
- A Community Facilities contribution towards the refurbishment of Shrub End Community Hall;
- A contribution towards the provision of Primary education;
- A contribution towards leisure/Public Open Space;
- A contribution towards art – specifically a statue in the central part of the Public Open Space.

(b) Upon receipt of a satisfactory Section 106 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, subject to the landscaping condition to exclude the use of wooden posts but metal or concrete to be used instead.

87. 111842 14 Honeywood Road, Colchester, CO3 3AS

The Committee considered an application for the erection of detached dwelling house with associated parking facilities. The application was a resubmission of 110165. 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.

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

Richard Spooner addressed the Committee, on behalf of neighbours at the corner of Honeywood Road and Ireton Road, pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His home was opposite the site. He objected to the development on the grounds of over development and quality of design and believed that the application should be refused on those grounds. He believed the proposal was contrary to Government advice that new development should reflect the character and important local distinctiveness, in that guidance on infill specifies that where there are large gardens that define the character of the area development would be resisted. The gardens of both the new dwelling and the host dwelling would be much smaller than those of surrounding gardens. This proposal would be outside the building line, a three bedroom dwelling would come within the building line.

Steve Norman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The principle of development on this site had been accepted. Whilst the proposal would bring a change to the appearance of the area it would not necessarily be to its detriment. The form and design of the proposal had been developed in discussion with officers. All requirements and suggestions by the Design and Heritage Unit had been incorporated into the scheme. The garden sizes of both the host and new properties were the same or bigger than others in the area and the plots were similar to others. Residents would have been aware that eventually this plot would be built on as it had an existing permission. As requested by residents the existing vegetation would be retained by condition.

Councillor Hunt attended and, with the consent of the Chairman, addressed the Committee. He referred to the nine examples where infill development had the potential to create adverse impacts and in his view this proposal failed on five of the nine: loss of amenity, overlooking and overshadowing, which is the case here, loss of sunlight and daylight. This property would be higher than any others. The green link

and trees would be lost as would the space between buildings. There would be some visual intrusion. Recent government advice stated that any new development should reflect the character of its site and any important local distinctiveness which in this case would be large gardens which defined the character of the area, therefore backland and infill should be resisted. He believed this application was in breach of the policy on infill.

The planning officer explained that the impact on the street was minimal. He did not accept that it would impact on a landing window. The only adverse impact was a side window in the host building. The records were incomplete in respect of an earlier permission in 1974, and whilst it was not a material consideration it was worthy of note within the narrative of the site. There were other infill properties as well as spaces between dwellings, but he questioned whether this space was valuable and should be preserved. He was of the opinion that it reflected other properties in the area and a condition was in place for features such as doors and windows. He confirmed that there would be the loss of one parking space on street.

Some members of the Committee were sympathetic to the objector because this proposal would mean a change to a well established area. Considerable effort had gone into the design to ensure it fitted into the area and it was difficult to see how it would affect the amenity of the neighbour. The proposal complied with policies and it would be difficult to refuse without further evidence that it could be shown to oppose policies. There were concerns that the council may lose an appeal following a refusal. There was a query regarding privacy from the upstairs window, but it was explained that as the garden was already overlooked there would be no loss of privacy.

RESOLVED (THREE voted AGAINST) that –

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

- Standard time limit;
- Permitted Development Rights removed for both dwellings;
- No new windows at first floor level;
- Planting;
- Detailed drawings;
- Materials to be agreed;
- Hard surfacing to be agreed;
- Parking to be provided;
- Archaeological Watching Brief;
- Tree and Natural Feature Protection: Protected Areas;
- Tree and Natural Feature Protection: Entire Site;
- Wildlife/conservation;
- Construction in accordance with the terms of the Methodology Statement received;
- Breeam compliance;
- Development to comply with submitted drawings.

(b) Upon receipt of a satisfactory Section 106 Agreement, the Head of

Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report, see also Amendment Sheet.

Councillor Sonia Lewis (in respect of her acquaintance with one of the joint owners of a shop which she patronises, the applicant being the other joint owner) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Jackie Maclean (in respect of her acquaintance with the applicant) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and she left the meeting during its consideration and determination.

88. 111195 The Stream, Layer Road, Kingsford, Colchester, CO2 0HT

The Committee considered an application for the variation of Condition 2 of planning permission F/COL/04/0854 to enable the operation of the site for class B1 within the tolerance allowed by permitted development for B8. 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 and on the Amendment Sheet.

89. 110370 Colne View, 35 Elianore Road, Colchester, CO3 3RY

The Committee considered an application for a proposed single storey rear extension. 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.

John More, Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee suggested that as it would be possible for someone to walk out onto the flat roof of the extension, and measures should be taken to prevent the flat roof from being used as a balcony, etc.

RESOLVED (THREE voted AGAINST) that the application be approved with conditions and informatives as set out in the report together with an additional condition requiring a flat roof not to be used as a balcony, terrace, sitting out area or such other amenity space.

90. Performance Monitoring // Actions to improve customer service

The Head of Environmental and Protective Services submitted a report detailing the progress being made in terms of improving the quality of customer service for the period from for the period 1 July to 30 September 2011.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

The Committee thanked the Planning Service Manager and his team on a good report.

RESOLVED (UNANIMOUSLY) that the report be noted.

91. Performance Monitoring // Applications Determination and Appeals Analysis

The Head of Environmental and Protective Services submitted a report giving details of planning application determination performance together with an appeals analysis update for the period 1 July to 30 September 2011 and also a year end analysis of NI 157 eight week and thirteen week performance, and appeal analysis for the period 1 July to 30 September 2011.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

The Committee thanked the Planning Service Manager and his team on a good report.

RESOLVED (UNANIMOUSLY) that the report be noted.

92. Performance Monitoring // Enforcement Action

The Head of Environmental and Protective Services submitted a report giving details of the performance record of the Enforcement Team for the period 1 April to 30 September 2011.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

The Committee thanked the Planning Service Manager and his team on a good report.

RESOLVED (UNANIMOUSLY) that the report be noted.

93. Tree Preservation Order 23/11 // Land off Shakespeare Road, Wordsworth Road, Chaucer Way, Byron Avenue, Marlowe Way, Shelley Road and Lexden Grove, Colchester

The Head of Environmental and Protective Services submitted a report on a proposed Tree Preservation Order 23/11 to which an objection had been received. The

Committee was requested to give consideration to agreeing the implementation of the Tree Preservation Order taking into account the objection received. 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.

Liam McKarry, Arboricultural Planning Officer, attended to assist the Committee in its deliberations.

A member of the Committee thanked the officer and for the committee going to see the beauty of the ancient walk and then to the Mount. Once the TPO was finalised he would start a maintenance plan for those trees that were in Council ownership.

RESOLVED (UNANIMOUSLY) that the implementation of Tree Preservation Order 23/11 be agreed.

94. Tree Preservation Order 18/11 // St Chads, Chapel Lane, West Bergholt

The Head of Environmental and Protective Services submitted a report on a proposed Tree Preservation Order 18/11 to which an objection had been received. The Committee was requested to give consideration to agreeing the implementation of the Tree Preservation Order taking into account the objection received. The Committee had before it a report in which all information was set out, and on the Amendment Sheet.

Liam McKarry, Arboricultural Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee commented that even after the TPO had been confirmed, it would still be possible to remove a tree if it posed a danger or damage to property etc.

RESOLVED (UNANIMOUSLY) that the implementation of Tree Preservation Order 18/11 be agreed.