

PLANNING COMMITTEE
3 OCTOBER 2013

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Helen Chuah*, Stephen Ford, Sonia Lewis*,
Cyril Liddy*, Jackie Maclean*, Jon Manning,
Philip Oxford and Laura Sykes*

Substitute Member :- Councillor Marcus Harrington
for Councillor Peter Chillingworth*

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

66. 131287 Longview, 216 Turner Road, Colchester

The Committee considered an application for the demolition of the existing buildings and redevelopment of the site to provide a 60 bedroom care home together with associated landscape and parking provision. The Committee had before it a report in which all the 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.

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

67. 131789 Garage Block, Wheeler Close, Colchester

Councillor L. Sykes (in respect of being on the Board of Colchester Borough Homes) 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 prior notification of the proposed demolition. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that prior notification be approved.

68. 131791 Garage Block, Dilbridge Road, Colchester

Councillor L. Sykes (in respect of being on the Board of Colchester Borough Homes) 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 prior notification of the proposed demolition. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that prior notification be approved.

69. 122134 Land Adj North and South, Grange Road, Tiptree

Councillor Harrington (in respect of being a supporter of Colchester United Football Club) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an outline application for a proposed development to provide 103 residential dwellings, areas of public open space (including a village green and allotments), provision of a new roundabout access from Grange Road and other ancillary works including drainage provision. The Committee had before it a report in which all the 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.

Mr Mark Russell, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Parish Councillor Steve Bays, Vice-Chairman of Tiptree Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He drew the Committee's attention to the allocation of Section 106 monies. He welcomed refurbishment Factory Hall but believed allocation to the Warrior's Rest site was inappropriate as it was not truly open to the community. He suggested that because Warrior's Rest was only available to members it was in breach of its lease. He suggested the money go to either the Tiptree Sports Centre or the upcoming Remembrance Wall. He also commented on the ownership of Open Space, stating that a legal agreement was not strong enough to ensure community use and that ownership should be transferred to either Tiptree Parish Council or Colchester Borough Council.

Mr Lawson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He claimed that the application had been the result of eighteen months of work with Officers and community engagement exercises. They were providing community facilities such as a new village green, allotments and children's play area. He claimed that membership at Warrior's Rest was open to all. He also suggested that access to Open Spaces could be adequately controlled by the Section 106 Agreement. He claimed the development was sustainable and added required housing and infrastructure to the area.

Councillor Elliott, Tiptree Ward, attended the meeting and, with the consent of the Chairman, addressed the Committee. He disputed the claim in the Amendment Sheet stating that Ward Councillors had not expressed their views about the allocation of Section 106 funding. He spoke of his desire to see the money allocated on a project that could be used for the community. This was not achievable with Warrior's Rest, as this was a club for which membership of a Jobserve Team was required and would not

therefore benefit the wider community. He went on to suggest the highways measures were insufficient and enquired as to how a road widening and additional footpath could work without compulsory purchase of the surrounding land. He stated that the road was a very dangerous one and needed significant consideration.

Councillor Martin, Tiptree Ward, attended the meeting and, with the consent of the Chairman, addressed the Committee. He raised the issue that it had been originally agreed that all housing would be at least 40 metres away from the football grounds. In this development they would be 20 metres away. He expressed concern about the developer retaining the Open Space on the development. He also wanted to ensure that the development would remain at 103 dwellings and not be increased before any Reserved Matters application was submitted. He agreed with previous speakers that Section 106 money should not be spent on Warrior's Rest.

The Principal Planning Officer explained that the 40 metre limitation did not apply to new developments. It was also stated that if the developer wanted to provide more than 103 dwellings a new application would have to be provided. It was confirmed that Colchester Borough Council would be happy to take ownership of the Open Space, after effects on viability had been considered. However, it was noted that if satisfactory access was provided, ownership was an academic issue.

Mr Martin Mason, Essex County Council Highways Strategic Development Engineer, clarified that the alterations to Grange Road could be provided within the current layout. He also explained that the main junction would only have a five percent increase in traffic, well below the threshold that would require works to be carried out.

Mr Bob Penny, Parks and Recreation Manager, explained that Warrior's Rest was a charitable trust and one of its objectives was community participation. He stated, however, that other projects that were appropriate, relevant and responded to community needs could be considered for the Section 106 money allocation.

The Committee noted the concerns about the allocation of Section 106 funding for the Warrior's Rest site. It was suggested that the Section 106 Heads of Terms would be agreed at this meeting, with specific detail to be included in further Reserved Matters applications. It was suggested that a meeting be set up with the applicant, Officers and Ward Councillors to agree a satisfactory allocation of Section 106 funding for public open space.

It was clarified that cycleways would serve the site only and that details on the design of the mini-roundabout would be considered at a later point.

RESOLVED (UNANIMOUSLY) that –

(i) The Head of Commercial Services is authorised to complete a Section 106 Legal Agreement to provide the following:

- 10% affordable housing, reflective of the overall site mix;
- £6,600 for provision and maintenance of two litter and two dog bins;

- Community Facilities - £106,000 for the Factory Hill site;
- £33,600 towards health-care facilities;
- Open space, sports and recreation contribution of £211,628 to be allocated; and
- A community use agreement also to be applied to the allotments and other areas of open space associated with the development.

(ii) On Completion of the Legal Agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report plus an additional condition limiting the Reserved Matters application to a maximum of 103 dwellings.

70. 131471 AGM House, London Road, Copford

The Committee considered an application for the demolition of the existing industrial building and erection of two new industrial buildings with associated landscaping. The Committee had before it a report in which all the 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.

Mr David Whybrow, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. An extra condition relating to the maintenance of the robust screening between the development and residents was recommended.

Mrs Sager addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She suggested that the proposal was of an inappropriate scale for the residential area it was situated in. She believed the plans compromised the village envelope. The development would increase the works carried out on the site and increase the number of employees, thus also increasing traffic. She believed the applicant had introduced this application by sleight of hand after the previous, smaller application had become extant.

Mr Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that upon previous approval being granted for part demolition of the current site, the applicants concluded that the whole site was in need of improvement and, as such, had submitted this application for an entirely new structure. He claimed that this development was of the same floorspace and would attract the same workforce and traffic flow as the previous application. He emphasised that AGM were a local firm, employing many local people.

Mr Whybrow explained that the new application had an increased roof height, although this was not out of step with the surrounding area and suggested the level of activity would be no greater than previously considered. He stated that the whole of the site was, indeed, outside the village envelope, however the Environmental Team and

Corporate Development Team were happy with the proposal.

The Committee was keen to stress the importance of robust screening and the inclusion of bike racks on the site.

Members of the Committee were concerned about the level of expansion of the unit, suggesting that it may not all be used by one company. The hours of operation and delivery, which were identified as 7am – 8pm were also called into question, although the Principal Planning Officer explained that these were the hours applied for and were reflective of the hours granted in the previous permission.

RESOLVED (EIGHT voted FOR, TWO voted AGAINST) that the application be approved, subject to the conditions set out in the report plus addition conditions relating to the provision of cycle parking and maintenance of the existing screening.

71. 131317 7 Seldon Road, Tiptree

The Committee considered an application for the erection of two bungalows with associated parking and landscaping. The Committee had before it a report in which all the information was set out.

Mr Simon Osborn, Planning Officer, presented the report and assisted the Committee in its deliberations.

Mr Gregory Byrne addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He suggested that noise generated from cars parking at the development would not be sufficiently disruptive as to call for a refusal. He also stated that a condition could be put in place to control the border fencing. He said that amendments had been made to ensure the scheme was suitable and no objections had been raised.

Councillor Martin attended the meeting and, with the consent of the Chairman, addressed the Committee. He suggested that the site was not a backland site, as the proposed dwellings faced onto a footpath. He considered that all necessary planning guidelines had been met. He urged the Committee to come to a sensible decision.

It was explained that the issue of noise disturbance was raised by the Planning Inspectorate when it considered the original, refused, application. The proposal was not considered to have a sense of place within the area.

RESOLVED (UNANIMOUSLY) that the application be refused, for the reasons set out in the report.

72. 131539 Trianon, Hall Road, Tiptree

The Committee considered an application for a first storey extension. The Committee

had before it a report in which all the information was set out.

Mr Simon Osborn, Planning Officer, presented the report and assisted the Committee in its deliberations.

Mr Gregory Byrne addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He believed the design to be appropriate for the size of the plot and suggested the scheme should be considered in relation to the development across the road, which was similar in nature. He claimed the proposal caused no demonstrable harm and was in no way overlooking. Viewed in context, he suggested the proposal be approved.

Councillor Martin attended the meeting and, with the consent of the Chairman, addressed the Committee. He suggested that a ribbon of development was present on both sides of the Road, not just the East side and that the development was of a similar character to other buildings being erected in the area. He suggested there would be no impact on neighbouring properties.

It was explained that the main issue with the proposal was the significant increase in the scale of the property.

Members of the Committee suggested that the design itself was not unacceptable and it was questioned whether any extension of the property would meet the same objection.

The Planning Officer clarified that, in principle, extension of the existing bungalow was acceptable although such a proposal would need to be less significant to fall in line with DP13.

RESOLVED (SIX voted FOR, FOUR voted AGAINST) that the application be refused, for the reasons set out in the report.

73. 131676 9 Little Foxburrows, Colchester

The Committee considered an application for the conversion of the existing car port and alterations. The Committee had before it a report in which all the information was set out.

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

Mr Mike Hardy addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was representing Mrs Stones, the immediate neighbour to No. 9. He explained the original intent of the estate in providing the dwellings with car ports as opposed to garages, to remove the need for on street parking. He suggested that many houses had converted the car ports to garages and which had undermined the schemes intent. He claimed it would be in the best interests of the entire estate to uphold the original estates planning

conditions that had been applied at the same time and keep the car parking that had been provided.

Members of the Committee raised questions about the nature of the original approval and whether there had been any conditions put in place restricting the conversion of car ports on the estate.

Mr Simon Cairns, Planning Project Manager, explained that the presence of any such conditions could be investigated but given that the application met the Council's parking standards, any such conditions should not bear any relevance on this particular application.

RESOLVED (SEVEN voted FOR, THREE ABSTAINED from voting) that the application be deferred and returned to Committee for further information on previous conditions relating to parking and the use of car ports when the original application was approved.

74. Appeals Made by Bovis Homes in Respect of Area J2b of the Colchester Garrison Urban Village

The Committee considered the report of the Head of Planning Services regarding the planning and conservation area consent appeals made by Bovis Homes in respect of Area J2b of the Colchester Garrison Urban Village Development.

Mr Simon Cairns, Planning Project Manager, presented the report and assisted the Committee in its deliberations. He explained that late submissions had been received from the applicant regarding the definition of 'substantial harm', although he did not believe they provided any grounds to alter the Officer recommendation.

The Committee emphasised the importance of protecting the Borough's heritage and encouraged Officers to do all they could to preserve these unique buildings.

RESOLVED (UNANIMOUSLY) to endorse the Officer recommendation to the Planning Inspectorat, that the appeals lodge by Bovis Homes in respect of applications 121612 and 121613 for the redevelopment of Area J2b of the Garrison Urban Village development are dismissed.