

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
7 January 2010 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

. Amendment Sheet

73 - 84

See Amendment Sheet attached.

AMENDMENT SHEET

**Planning Committee
7 January 2010**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

**LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS
AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED**

7.1 091627 – Land adjacent (South), Grange Road, Tiptree

The Case Officer should read Vincent Pearce and not Mark Russell.

1) Additional condition for 091627:

34. “The use of the proposed four training pitches shall be restricted to use by Colchester United Football Club (CUFC) only, or for any community use that may at otherwise be agreed by CUFC, and shall be restricted to the use of a maximum of two of these pitches at any time.

Reason: For the avoidance of doubt as to the scope of this permission and to safeguard residential amenity.”

2) Paragraph 3.2 of the Committee report. Reference to “public” should be deleted. The Spatial Policy Manager has confirmed that the site is identified as “Open Space” (not specifically Private or Public).

3) Previous comments from the occupier of Culver Farm, Pennsylvania Lane, Tiptree, should be noted as follows: In addition to concerns as to the increase in traffic on a substandard road network, potential impact upon users of the bridleway & noise pollution is concerned as to the impact of the building due to its height (over 9.5m) upon their property and surrounding area and potential overlooking from the open balcony. Clarification needs to be sought of the possible future phases, particularly in respect of the remaining area at the top north west corner of the site.

The issues raised within these two letters by Barton Willmore were addressed in the previous Committee and do not raise any new issues. These issues were unsustainability, impact in terms of noise generation, proposals not appropriate for Tiptree, premature & 'piecemeal' in terms of the LDF, visual impact, contrary to PPS 7, minimal community provision, loss of high quality agricultural land & footpath improvements). These two letters have been available to view on the Council website.

Further objection received on the grounds that the "community facility" is misleading. The single pitch for community use has already been allocated to be used by two teams from the area who are funded by Jobserve (CUFC owner, Mr Cowling's company). This leaves only one possible time slot allocation for one other team. No other teams will have the opportunity to use these facilities on a regular basis. Generally a team could have some 20 players, so this facility could benefit approximately 60 people, which is a very small percentage of the residents of Tiptree. Only 20 of those 60 players may actually come from the wider community not involved with Jobserve.

The letters of support (many of which are identical) all refer to the community facilities and lack of them in Tiptree but do not appear to realise the restrictions on the community use of these facilities.

- 4) A letter has been received from the occupier of 15 Harrington Close as follows:
- My comments have not been reproduced or summarised accurately. I did not make any reference to the **SHORTFALL** of outdoor sports facilities. I made reference to the existing **SURPLUS** of them, regarding **FULL SIZE** community football pitches in Tiptree.
 - **Pedestrian and Cycling facilities**
Please make it clear that my reference to this issue is the non-compliance of the application to Transport Policy TA2 which requires safe highway crossing facilities to be provided for new footpaths. Something **NOT** offered by this application; the proposed northern boundary permissive footpath terminates at a blind spot **ONTO THE OPEN CARRIAGEWAY OF VINE ROAD.**

- The two letters submitted by Barton Willmore, a Cambridge based planning consultancy have not been included. The Planning Committee at each meeting comprises different members and by omitting these letters, the Planning Committee convened on the evening is NOT being presented with the full scope, accuracy and history of professionally prepared objections. The claim that these letters offer nothing new is not true with respect to Planning Committee members present at each meeting, some of whom may not be aware of these letters and their contents. These two letters need to be included, as they were for the original application 090217, which this application, 091117, makes constant reference to.
- Can you also ensure that the CORRECT and CURRENT Settlement Boundary map relating to Tiptree is presented to the Planning Committee; NOT the LDF “futuristic” map which has yet to be examined and debated at the Public Inquiry in the coming months. The LDF map is NOT the current Settlement Boundary map for Tiptree.
- Can you refrain from claiming that the application offers open space. The applicant’s LDF Development Document and the subsequent Design and Access Statement, which is the basis of the application, clearly state that the application comprises phases I and II of a III phase development and that open space is not mentioned in these three phases of the application Design and Access Statement. A summary of the Design and Access Statement phases (page 9 of the Design and Access document) are included here to clarify this point:

Stage 1a: Football pitches, parking and access entrance.
Pedestrian cycle link

Stage 1b: Administration building (incl. changing rooms)

Stage 2: 185 residential units on land either side of Grange Road, promoted through the LDF framework
Additional indoor and outdoor facilities
Small allotments

Point 3.2. The report mistakenly describes the proposed water tank having a capacity of 11 cubic metres. I think you will find that the dimensions (width = 10.97 metres wide (diameter) and 2.29 metres high) give a capacity of 216.5 cubic metres ($\pi \times r^2 \times h$).

Point 4.3. Omits to mention the permissive footpath on the northern boundary that terminates without a safe crossing point.

Point 6.2. The applicant claims to have been in discussions with the Environment Agency concerning the design of the SUDS to minimize the use of imported materials.

You have not, after 10 months, clarified with the Environment Agency if that is the case and what design and volume of materials has been agreed.

Point 6.13 National Planning Policy Guidelines

You have ignored representation, confirmed and documented by the Inspector at the Core Strategy examination, that Tiptree has a POOR PUBLIC TRANSPORT SYSTEM contradicting the claims made under bullet point 4 of 6.13. The Inspector's comment in respect of Tiptree was: *"There are good facilities although employment and public transport are limited."*

Local Policy

Policy ENV1

You are quoting an abridged and censored version of this policy to the Planning Committee.

CBC is however prepared to quote the FULL VERSION of this policy in the CBC Appeal Proof of Evidence, as presented, verbatim, below:

'The site for this proposal is located within an area of white land i.e. no notation as allocated in the Adopted Review Colchester Borough Local Plan – March 2004. Additionally, policy ENV 1 of the Local Development Framework Adopted Core Strategy (December 2008) states, inter alia:

"Unallocated green field land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough."

As new development within such areas is subject to restriction, the Council would wish to ensure that development proposals accorded with the aims of relevant policies in the Adopted Local Plan and the Adopted Core Strategy. To this end, the Council considers that the submitted scheme fails to include a sufficient degree of community use within the development to justify the use of this unallocated white land for an alternative purpose.'

Please ensure the Planning Committee has the full policy wording available to them, not the censured version you have included in your report where you have omitted reference to the Landscape Character Assessment and the preservation of the open character of the location.

Policy ENV2

You are quoting an abridged and censured version of this policy. This is the third time this issue has been raised with Planning Services. The full policy wording is shown below as an extract from the Adopted Core Strategy:

“Outside Village Boundaries the Council will favourably consider small-scale rural business, leisure and tourism schemes that are appropriate to local employment needs, minimize negative environmental impacts and harmonise with the local character and surrounding natural environment. Development outside but contiguous to village settlement boundaries may be supported where it constitutes an exception to identified local affordable housing needs.”

Can you please ensure the Planning Committee has the full policy wording available to them not the censured version you have included in your report.

Bullet point 5

This statement makes reference to the Site Allocations Submission DPD which is NOT policy. This document is, as stated, a “submission document” that is due to be examined in public at the Public Inquiry in March 2010 with the final outcome not due until late 2010 at the earliest. This point also makes the mistake of referring (again) to the site as public open space; it is privately owned land and is classified as white land.

You have also failed to inform the Planning Committee that the Core Strategy evidence document Open Space Sport and Recreation Study (audit) recommended that all new sports facilities in Tiptree should be situated at Tiptree Sports Centre, a truly equitable community facility. The recommendations of this report, which I believe cost in the region of £40K, have been ignored in assessing the suitability of this application. Please make the Planning Committee aware of the recommendations of this report and perhaps why the recommendations have been ignored in assessing this application.

Can you also please ensure you have available the following documents (which are all available electronically) on Thursday evening; questions may be suggested to the Planning Committee that they ask you for clarification and confirmation of issues relating to these documents:

- **Core Strategy (particularly policies ENV1 and ENV2) and the verbatim Core Strategy explanations for them.**
- **PPG17 Open Space Sport and Recreation Study audit report – conclusions and final recommendations.**
- **Playing Pitch Strategy as used between 19 November 2007 and 10 July 2008.**

During this period its contents were used in the Core Strategy examination and subsequent Inspectors approval, dated 9th October 2008. Note that attempts to change Appendix F of this report were made two months AFTER the Core Strategy was approved by the Inspector on 9th October 2008. The document summary at Core Strategy examination time shows a SURPLUS of full size pitches in Tiptree.

These points of clarification are welcomed, particularly the amendments in relation to our paragraphs 3.2 and 4.3.

The correspondent has raised many points, and these will be clarified at Committee, not least of which the current status of the site in terms of Local Plan designation. Your presenting Officer will clarify this point, suffice it to say that the Site Allocations Submission DPD does carry some weight.

The issue over the import of materials has previously been dealt with. Members are reminded of the comments on this point in Committee Report of 090217 which culminated in the suggested condition to cover a Construction Management Plan. This is covered by condition 31 of the current application.

The documents which the correspondent requests will all be available at Committee.

7.2 091380 – 35 New Road, Tiptree

This application is for Outline Planning Permission but seeks permission for the Access, Appearance, Layout and Scale. The only matter to be Reserved is that of the Landscaping.

In this context Condition 1 should be deleted and replaced by the following and additional conditions:-

1. Approval of the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before expiration of three years from the date of this permission.
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

The Highway Authority consider that the amended drawings are acceptable and have no objection subject to conditions as follows: -

1. Prior to occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 5,5m metres for at least the first 6m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge,
Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

2. Prior to the proposed access being brought into use, a 1.5m x 1.5m, pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm, These splays must not form part of the vehicular surface of the access.
Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.
3. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety
4. The existing access at point "X" shown on the returned plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the satisfaction of the Highway Authority, immediately the proposed new access is brought into use.
Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent Indiscriminate access and parking on the highway, in the interests of highway safety.
5. The development shall not be occupied until such time as the covered car parking area, indicated on the approved plans, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.
Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.
6. Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers and bicycles, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.
Reason: To promote the use of sustainable means of transport in accordance with EPOA Vehicle Parking Standards and policy 4 in Appendix G to the Local Transport Plan 200612011 as refreshed by Cabinet Member decision dated the 19th. October 2007.

7. Prior to occupation of the proposed development, a communal bin/refuse collection point shall be provided within 25m of the highway boundary and additionally clear of all visibility splays at the access.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

Informative

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made initially by phone on 01206838696 or by email on www.highways.eastarea@essex.gov.uk.

The Environment Agency has assessed this application as having a low environmental risk and therefore has no objection to the proposal.

Additional representation received. The contents of which are summarised as follows:-

1. Access should be a minimum of 4.1m and preferably 4.8m along its full length.
2. Car parking provision of 2 spaces is the minimum. At least 3 spaces should be provided for these 3 & 4 bed dwellings. There is a need for visitor parking at a ratio of 0.25 spaces per dwelling i.e. one additional space giving a total of 10 spaces.
3. The pedestrian access route to the rear 2 dwellings is unusual and may put pressure on the frontage hedge due to future residents "forcing" a way into Keeble Close. A condition should be imposed requiring no access whatsoever to the site from Keeble Close and the construction of a physical barrier inside the hedge to preclude any such access.

Additional representation received from neighbour which states:-

"I would like to draw your attention to the following: -

1. **No response by the Urban Design Authority has been published on the current case-file web site.**
2. **Below are extracts from the Urban Design Authority comments (see ref. a.) for the original planning proposal and are equally relevant to the resubmitted proposal and should have been reflected in the report.**

"The context and site arrangement suggest no rational for a courtyard scheme when the site addresses Keeble Close."

“There is a strong suburban context in which semis and individual houses all address the street. Given that this scheme has a street to address along its whole length the courtyard arrangement has no contextual reference and indeed conflicts with the context strongly.”

“The layout does not make a positive contribution to the street scene and this negativity is amplified by the activity of the new houses not taking place on the street but within a courtyard where a courtyard should not be.”

“Given these poor responses to the context and the fundamental error of the layout I cannot justify support for the scheme.”

Please consider the above authoritative statements in deciding the outcome of the resubmitted planning application. Access to the site from Keeble Close service road is readily available (see ref. b. paragraph 1.) and should be the chosen option for the above reasons and also in the interest of maximising safety to pedestrians and other road users. “

7.5 091494 – Unit 4, 13 High Street, West Mersea

The Highway Authority has responded indicating that they do not object to the proposals.

7.6 091504 – Tower View, Pennsylvania Lane, Tiptree

Delete conditions 1 & 2 and replace with following conditions:-.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development)(Amendment)(No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no extensions/garages/sheds/conservatory/buildings etc shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the visual amenity of the area, to protect the amenity of adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development.

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the proposed development is visually satisfactory and enhances the appearance of the locality.

No new window or other openings shall be inserted above ground floor level in the east and west elevations/roof slopes of the proposed building without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

Prior to the occupation of the dwelling, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure an appropriate visual amenity in the local area.

Prior to the occupation of the development details of screen walls/fences/railings /means of enclosure etc shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position/height/design and materials to be used. The fences/walls shall be provided as approved prior to the occupation of any building and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

The proposed vehicular access shall be provided with 1.5m x 1.5m pedestrian visibility splays measured from and along the highway boundary and containing no obstruction exceeding 0.6m in height. The splays must not form part of the vehicular surface of the access.

Reason: To provide adequate intervisibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Essex Local Transport Plan 2006/2011, Appendix G: Development Control Policy 1.1.

Prior to the occupation of the proposed development being permitted, the bridleway across the entire site frontage shall be resurfaced in an appropriate rolled stone material, to the satisfaction of the Local Planning Authority.

Reason: In the interests of the public's safety on the Definitive Right of Way and in accordance with Essex Local Transport Plan 2006/2011, Appendix G: Development Control Policy 1.1.

The public's right and ease of passage over Bridleway No. 17 (Tiptree) shall be maintained free and unobstructed at all times.

Reason: In the interests of the public's safety on the Definitive Right of Way and in accordance with the Essex Local Transport Plan 2006/2011, Appendix G: Development Control Policy 1.1.

Informatives

All works effecting the highway are to be carried out by prior arrangement and to the satisfaction and requirements of the Highway Authority. Application for the necessary works should be made initially by telephoning 01206 838600.

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction and Demolition Works for the avoidance of pollution during the demolition and construction of works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of works.

7.7 091514 – 86 London Road, Marks Tey

Comments received from the Environment Agency as follows:

“The Environment Agency has assessed this application as having a low environmental risk and therefore we have no objection to the development proposal. “

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SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items