

## PLANNING COMMITTEE 3 MARCH 2011

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillor Helen Chuah\* (Deputy Mayor)  
Councillors Peter Chillingworth\*, John Elliott\*,  
Andrew Ellis\*, Stephen Ford, Theresa Higgins\*,  
Jackie Maclean\*, Jon Manning, Philip Oxford\* and  
Laura Sykes\*

*Substitute Member :-* Councillor Wyn Foster for Councillor Ann Quarrie\*

*Also in Attendance :-* Councillor Margaret Fairley-Crowe  
Councillor Martin Goss  
Councillor Mike Hardy  
Councillor Henry Spyvee  
Councillor Anne Turrell

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

### 193. Minutes

The minutes of the meeting held on 3 February 2011 were confirmed as a correct record, with the exception of minute no. 182 which was not agreed because the applications have been found to be invalid and the decisions being void are therefore rescinded in the light of planning and legal advice.

**Councillor Jon Manning (in respect of being a member and coach of Colchester Rugby Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

### 194. 100035 Severalls Hospital, Boxted Road, Colchester, CO4 5HG

The Committee considered an application for a variation of conditions and addition of conditions following granting of planning permission under O/COL/01/1624. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Vincent Pearce, Planning Services Manager, and David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. The planning officer understood that there were concerns regarding the use of Mill Road particularly by construction traffic, and he referred to conditions which would restrict the times of use of the access and require wheel washing of construction vehicles.

Councillor Turrell attended and, with the consent of the Chairman, addressed the Committee. She understood the strategic reasons for commencing the development in advance of the Northern Approach Road (NAR)3, which would be built by March

2012, but she considered it would be safer to wait for the NAR3 before the occupation of any houses on this site because of the traffic issues. She also believed that residents would become used to using the Mill Road access and would have to adjust to a different access once the NAR was built.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He referred to the opening of the new A12 junction in connection with the subsequent increase in traffic into Mill Road and this proposal would make that situation worse. This proposal was not tied to a time schedule which in the economic climate could be problematic. Local residents had been promised that this road would never be open to residential traffic from this site, although he acknowledged it would not be forever. He believed that residents would feel aggrieved and considered that attempts should be made to find an alternative way.

The planning officer referred to the application progressing an important regeneration area and that it would be difficult to refuse the application on the basis of additional traffic in Mill Road because the Highway Authority were satisfied that since the new A12 junction had been opened the traffic had dispersed into the town. He also referred to the likelihood that the junction with Mill Road would be closed early. He suggested that it would be possible to request that the developers ensure that purchasers were advised that access to Mill Road would be temporary.

Some members of the Committee were concerned that if the condition to require access via the NAR3 was to be relaxed to enable access via Mill Road for up to 75 properties the traffic in Mill Road would increase to an unacceptable level when it was already very busy. Furthermore, if funding was withdrawn from the NAR3 budget and the project was halted, there was a danger that the access onto Mill Road could become permanent. There were also concerns that although there would be children in the 75 properties, there would be no local school as the new school for the area would not be built by then. There was a suggestion that the number of properties be reduced from 75. Other members considered the proposal to be acceptable and that if it went to plan residents would not suffer a great deal because there would be very little additional traffic within the relatively short timescale.

The planning officer explained that in the mid-1990s there was a commitment that the scheme would be accessed from the NAR and, although there was no condition to that effect, it was confirmed that the Council had made that undertaking. The original agreement allowed the NAR3 to be built in phases with up to 475 units being built without the NAR link in place. The prospects of getting a completed route had improved now that the Highway Authority were accelerating funding for it. It was noted that this project would support other community and social infrastructure. The landowner was seeking to get some housing built early to provide capital receipts which could start to pay for the social infrastructure. Members were being asked to decide whether 75 dwellings would cause so much nuisance that it was worth stalling the progress of this residential development, particularly as it was considered that not many of the 75 dwellings would be occupied and the traffic was likely to be negligible. The applicant had wanted more than 75 dwellings but officers wanted to limit the impact on residents. The officer view was that an access to the development would be essential when marketing the units otherwise prospective purchasers would

deterred. The parking of construction vehicles on site would be part of the method statement and members were referred to Conditions 19 to 21. Essex County Council was likely to forward fund early provision of a primary school and there was additional investment which it was believed would be spent on a new secondary education facility. In any event, education was not an issue on either of these applications but it was covered in the original agreement.

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

**Councillor Jon Manning (in respect of being a member and coach of Colchester Rugby Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**195. 100502 Severalls Hospital, Boxted Road, Colchester, CO4 5HG**

The Committee considered a reserved matters application for 248 residential units which represented Phase 1 of the Severalls Hospital Development. 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.

Vincent Pearce, Planning Services Manager, and David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. The planning officer provided up to date information in respect of the following matters:- some of the issues of overlooking and daylight in respect to Thomas Wakley Close and Oxley Park have been addressed in the submission of amended plans; remaining concerns are drainage, height and overlooking windows in the new dwellings into Thomas Wakley Close dwellings, and the landscaped strip to the rear of Mill Road and Thomas Wakley Close not being subject to good levels of maintenance; the back to back distance between Thomas Wakley Close properties and the new development being 25 metres in all cases; a schedule of off-site works which had been produced was without costings and this matter could be dealt with by way of Grampian conditions for no works to commence until costings were agreed; and the brick wall alongside 190 Mill Road needed to be secured by condition because not all the issues had been resolved at the southern tip of the development.

Mr Russell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of residents of Thomas Wakley Close who objected to the development in its current form. The basis of their objection was the height and proximity of new dwellings to the rear of dwellings in Thomas Wakley Close. They believed that Thomas Wakley Close bore the brunt of the development as it had the smallest gardens and the adjoining new properties would be 2.5 storeys. He stated that within the Essex Design Guide the back to back distance of two storey properties is 25 metres, and for 2½ storey

properties it is 35 metres. His other concerns were the significant reduction of daylight and quality of life, and the increased area of tarmac resulting in a greater water run off. He requested that a covenant be placed on the new houses to prohibit any future increase in height or extensions towards their properties, and for the maintenance of the landscaped buffer. Finally, he considered that footpath 69 should be on the other side of the stream.

John Dodson, Associate Director of Broadway Malyan Architects, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They had provided a full detailed design for the site owners who were looking for an exceptional scheme which had much higher space standards to achieve Lifetime Homes Standard and to be tenure compliant so that all the homes were the same quality. They had also been briefed to deliver Sustainable Homes Code 4 which was in excess of current building regulations and would qualify for a Building for Life certificate. From the outset they had worked with the borough council to deliver appropriate family housing with good sized gardens, and landscaping for the public realm which merged into the green fingers. They had consulted with landscape and highways officers to bring together a new standard for the wider Severalls development.

Councillor Turrell attended and, with the consent of the Chairman, addressed the Committee. She appreciated that this site had outline permission and she considered that in some ways it was a good application but she asked that it be deferred for further consideration of some issues. She understood that the green link from High Woods Country Park to the A12 had been agreed previously and was a policy which may have been carried forward to the Local Development Framework. However, she asked for reassurance that this application had not broken that agreement and that appropriate provision had been made. She considered that some of the new houses were too close to dwellings in Thomas Wakley Close, a situation which was exacerbated by the lie of the land. She requested that the developer be advised on measures to reduce any impact on existing residents from construction, for example the prohibition of bonfires. She also referred to drainage issues which needed to be overcome and to the blind wall between the NAR3 and Mill Road which would be part of the NAR3 applications.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He asked for details of the community infrastructure referred to in the report. He had been unable to find any mention of 2½ storeys in the report, but in any case considered that 2½ storeys was too high. He requested information on the proportion of 2, 3 and 4 bedroom houses and that litter bins be provided. He also wanted the green spaces to be adopted and a condition imposed to ensure they would be maintained by a management company. He was disappointed that the affordable housing appeared to be in one area, and he would have preferred that it had been pepper potted throughout the development. He referred to the bus lane which would be built on land owned by HCA and although he was aware of a trigger point but there was no mention of it in the report. He also wanted the drainage issue to be resolved.

The planning officer explained the design and height of the new dwellings at the rear

of Thomas Wakley Close and confirmed that the back to back distance of 25 metres was achieved and that permitted development rights had been removed from the new dwellings. In respect of water run off, swales and attenuation points were provided and the rate of run off would be no greater than that for a greenfield site. He described the route of the green link which included the diversion of footpath 69. He referred to the off site works and that the developer was aware of these requirements; a condition could be added to prevent any development until the works were agreed. He confirmed that there were conditions in place to avoid nuisance related to working practices including hours of operation, wheel washing and other aspects of development. He confirmed that the express bus lane would be triggered by a certain number of houses; that the affordable housing units were integrated across the development; and he gave information on the numbers of one, two, three and four bedroom dwellings.

Members of the Committee had a number of outstanding concerns including:- the provision or otherwise of a shop or community centre; concern that the landscaped buffer did not appear to have been worked out properly; and that paving over more driveways would increase the run off. There was also a suggestion that some of the bungalows could have been located at the rear of Thomas Wakley Close and that the two metre buffer could be given to Thomas Wakley Close as compensation. It was considered that the 2 ½ storey houses were bland and blocky and that these taller buildings should be located more towards the centre of the site with the lower buildings towards the edge of the site. There were queries about how the two metre belt would be maintained, whether the designs of dwellings fitted in with the Myland Village Design Statement and whether there was anywhere for ball games. The Committee considered that the only open spaces appeared to be play areas for small children and the Committee asked if was there a trigger point for the play areas and whether there was more open space in the later phases. A preference was expressed for patterned bricks where plain walls were currently shown.

In the light of the Committee's request for additional information on a number of issues, planning officers considered that it would be appropriate to defer consideration of the application to allow the applicant to provide the information and slides requested.

*RESOLVED* (UNANIMOUSLY) that consideration of the application be deferred for the following matters to be resolved:-

- the green link from Highwoods Country Park to Tower Lane to be reinforced;
- information on the off site drainage requirements to be provided;
- the relationship between the new dwellings and those in Thomas Wakley Close to be improved so that privacy, outlook and day light are safeguarded. Also better detailing required to the blank rear elevations of these houses;
- clarification on the relationship with later phases and the connectivity with community infrastructure that this will provide;
- a means of securing the landscape belt to the rear of Mill Road/Thomas Wakley Close be investigated to ensure maintenance of a screen of adequate height in perpetuity;
- play areas to be provide for all ages and areas, to be delivered in a timely

- manner;
- an explanation of the bus gate;
- a reference to the NAR3 programme.

#### **196. 102455 Priory Farm, Braxted Road, Tiptree, CO5 0QB**

The Committee considered an application for the subdivision of the existing dwelling into two separate residential units. 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.

Andrew Tyrrell, Development Manager, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Rebecca Parry addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They had received numerous letters of support demonstrating the excellent community spirit. The house was currently underused with only two occupants and this proposal to sub-divide the existing large dwelling would provide two smaller housing units for smaller families without increasing the floor area. The borough needed additional units to accommodate growth, provide for local needs and to allow people to live where they wanted. The homes allowed full DDA accessibility. She referred to the site being close to the B1022 which also gave access onto the A12 and to a number of bus stops. The site was not isolated and did not harm the countryside because it would be integrated with the surrounding properties. The concern regarding setting a precedent ignored the big picture.

Councillor Fairley-Crowe attended and, with the consent of the Chairman, addressed the Committee. This property is adjacent to the B1022 and is closer to a bus route than any property on other estates in Tiptree. Three letters of support had been received from nearby addresses together with support from the Parish Council. She referred to the very long time that the residents had lived in the house and worked on the farm, but that the house was now too big for them. The family business was now being run by the rest of the family and living in this property enabled the applicants to see their family and get a feeling of being part of the business.

Some members of the Committee supported the application although they understood the policy reasons behind the recommendation for refusal. They considered the proposal would cause no harm and believed that there were good reasons for granting a permission in this case on the grounds of strong personal social reasons which were sufficient to assert that this would not create a precedent. They considered the property had good access to public transport, the footprint of the dwelling would not increase, a small dwelling would be created which might be affordable for someone, and there would be less traffic because there would be fewer occupants living in the property as it would decrease from a five bedroom property to three bedrooms contained within the two properties.

Other members of the Committee were sympathetic with the applicant but did not believe that there were sufficient reasons to warrant an approval. They considered the recommendation was soundly based on planning policy and believed that if the application was approved there was the likelihood that it would set a precedent for the future. The position of the site in relation to the village envelope was queried.

The planning officer explained that the policy objections were set out clearly in the report. This was not an isolated issue, as there could be many elderly people in the borough who might wish to stay in the family home although it had become too much to manage. This site was not within the settlement boundary for the main village or the minor settlement boundary of Tiptree Heath, somewhat away from Tiptree. This proposal was the creation of a new dwelling within a countryside area and as such should not be divorced from any other situation for the erection of a new dwelling. The Committee were reminded that planning permission went with the land rather than the inhabitants. Personal circumstances should not be the outstanding factor in the Committee's deliberations.

*RESOLVED* (MAJORITY voted FOR) that the application be refused on the grounds as set out in the report.

#### **197. 102070 3 Roman Road, Colchester, CO1 1UR**

The Committee considered an application for the conversion of an existing three bedroom house into two one-bedroom flats and the insertion of a new conservation roof light to the rear elevation. The Committee had before it a report in which all information was set out.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee on behalf of the Residents' Association which had submitted objections. He was concerned principally about the on street car parking situation. If this flat conversion was allowed the council may have to allow similar proposals elsewhere with consequent repercussions upon this and other residents' parking areas. Whilst this was a sustainable location where it was possible to live without a car, he believed the reality was otherwise. This residents' parking scheme was already oversubscribed by 50% and whilst the occupants of this flat may have more than one car, there was a requirement for provision of only one car parking space, and that was an addition to the current demand. He was aware that the policies supported this application but asked that the Committee reject it.

Members of the Committee were also concerned about the on street car parking situation and they drew attention to the apparent existence of a separate entrance to a basement area which appeared to be a separate, unauthorised flat.

The planning officer explained that there was no authority for the creation of a

basement flat and it should be the subject of further investigation. If there was a basement flat it would have a knock on effect on this application in terms of car parking requirements. In such circumstances a three flat property would be likely to constitute over-use, both in terms of car parking requirements and amenity space.

*RESOLVED* (UNANIMOUSLY) that consideration of the application be deferred for clarification of the situation regarding the existence of a basement flat at the premises and to take account of this in relation to parking requirements.

**Councillor Stephen Ford (in respect of being acquainted with the agent and applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**198. 102561 and 110047 The Royal British Legion, The Quay, Wivenhoe, CO7 9BX**

The Committee considered a planning application 102561 and a companion listed building application 110047, both relating to alterations to the front/south and side/west elevations of the Royal British Legion Building, including internal alterations to the ground floor and first floor rooms creating an additional disabled w/c and kitchen, and moving and altering the existing staircase to provide stairlift access to the first floor. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Vincent Pearce, Planning Services Manager, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Chapman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was the owner of the adjacent property and his concern was in respect of the main entrance and access to the first floor being relocated. The stairs would lead to a function room for up to 150 people who would use this entrance which was close to the only window on the ground floor facing the front. For at least 60 years the ground floor had been accessed via a door between three and four metres distant from his property. His concerns were that smokers may congregate outside the repositioned door, a metre from his window. He was aware that the building was badly in need of renovation and he wished the applicant well but there appeared to be no acoustic, fire or smoke measures to protect his property.

Mr Bielecki addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The renovation of the building would improve its layout and utilisation of the space. The existing stairs were extremely steep and there had been a number of accidents; the new staircase would include a stairlift. They were moving a kitchen away from the adjoining wall and on the first floor moving a galley away from the wall. They also needed to change the toilet arrangements to include a disabled toilet. They had been on good terms with the



previous, long standing occupant and they wished to maintain their good relations. They were happy to comply with insulation and building regulations and hoped that if in the future the neighbour renovated his property he may install insulation on his side of the building.

Members of the Committee noted that the report stated that the proposal would not seriously affect the resident's amenity. There were concerns however regarding the staircase. They were aware that the current wooden staircase was very steep and dangerous and the new staircase would incorporate a stair lift to provide access to the first floor for disabled users. There were concerns that the use of the relocated wooden staircase to access the first floor would create noise and considered this issue should be dealt with comprehensively in accordance with local codes and guidance. Also of concern were the relocated entrance doors because of the likelihood that smokers may congregate outside the entrance doors. Members suggested that a notice on the inside of the doors could ask people not to smoke just outside the doors and encourage them to use the public shelter, and also that the side doors and staircase could be used as the main entrance. Reference was also made to the potential fire risk but this was a building regulations matter not a planning matter.

The planning officer referred to a noise attenuation scheme which would be required if permission was granted. She had accompanied the client and the agent to the adjoining premises to clarify the neighbour's concerns regarding the party wall. As a result the agent was now aware of the issues, which were that the party wall was partly brick and partly lathe and plaster and that the building would be used by significant numbers of people. These issues would need to be taken into account when designing the sound insulation measures. She also explained that the internal alterations would be subject to a building regulations application and Building Control and the Environmental Teams would be consulted to make sure the insulation was adequate. With regard to smokers, the planning officer also explained that there was a public shelter used as a smoking area close to the waterfront, but in any event the issues in respect to smokers may not be significantly different from the former level of this activity. Finally, it was explained that although it would be possible for the side entrance to be used as the main entrance, it was not possible to impose a condition to require that use. It would be possible, however, to add an informative note which summarised that the Committee was looking to the Royal British Legion to show good neighbourliness in respect of this facility particularly in regard to smoking.

*RESOLVED* (UNANIMOUSLY) that –

- (a) Planning application 102561 be approved with conditions and informatives as set out in the report and on the Amendment Sheet, together with an additional informative for the Royal British Legion to advise smokers to avoid congregating outside the window of the adjacent residential property and use the other staircase.
- (b) Listed building application 110047 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

**Councillor Peter Chillingworth, Councillor John Elliott, Councillor Andrew Ellis, Councillor Wyn Foster and Councillor Jackie Maclean (in respect of the neighbour, Councillor Jill Tod, being an acquaintance) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**199. 110032 Fairfields, 74 Chitts Hill, Colchester, CO3 9SX**

The Committee considered an application for a new vehicular access which comprised changes to an extant permission for a new access drive to a domestic dwelling. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Vincent Pearce, Planning Services Manager, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

John Kerry, the owner of Fairfields, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the two amendments to the earlier scheme. The first amendment was to the access from Cooks Lane which would achieve a smoother turn onto the drive. The second amendment was at the lower end of the drive where it avoided a route through the trees and took a line which would save over a dozen trees. The provision of a turning circle at the lower end of the drive would save visitors from having to reverse back up the drive if no-one was at home.

Members of the Committee referred to a request for a hedge to be planted on the western side to shield the drive and vehicles from the houses in Chitts Hill. However, they believed the red line extent of the development may not be sufficient to allow such a hedge and in that case it could only be achieved by agreement with the owner of the land and the applicant. Some members wanted more trees to be included in the scheme.

*RESOLVED* (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred until after the expiry of the consultation period for the receipt of any objections from the Arboricultural Officer, the Landscape Officer and local residents.
- (b) After the expiry of the consultation period and subject to there being no additional material planning considerations raised by the Arboricultural Officer, the Landscape Officer and local residents that relate to matters not previously considered, 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.

**200. Planning and Listed Building consents 1011541 and 101543 // Lower Park, Colchester Road, Dedham**

This item was withdrawn by the Head of Environmental and Protective Services to allow further investigation into some new issues that have been raised by a third party.