

PLANNING COMMITTEE
23 JULY 2009

- Present :-* Councillor Ray Gamble* (Chairman)
Councillor Sonia Lewis* (Deputy Mayor)
Councillors Mary Blandon*, Mark Cory*,
John Elliott*, Andrew Ellis*, Stephen Ford*,
Theresa Higgins*, Jon Manning* and Ann Quarrie
- Substitute Members :-* Councillor Laura Sykes
for Councillor Helen Chuah*
Councillor Beverly Davies
for Councillor Jackie Maclean*
- Also in Attendance :-* Councillor Tim Young
Councillor Julie Young
Councillor Kevin Bentley

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

50. Minutes

The minutes of the meeting held on 9 July 2009 were confirmed as a correct record.

Councillor Jon Manning (in respect of being a student at the University of Essex) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Mary Blandon (in respect of being related to the public speaker, Bob Russell, MP) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Ray Gamble (in respect of his close association with the public speaker, Bob Russell, MP) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

51. 090498 Avon Way House, Avon Way, Colchester, CO4 3TZ

The Committee considered an application for the erection of 133 new student bedrooms in thirty flats split into six separate buildings. Since the submission of the application revised plans had been received which show the number of flats reduced to twenty-nine in six separate buildings; the overall number of

bed spaces is reduced to 119. 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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. The density was high for the area but was acceptable in view of the proposed occupancy. Following representations from local residents, there were concerns about the impact of blocks A and B on residents in Pickford Walk.

Bob Russell, MP, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The three storeys of blocks A and B would not enhance the residential amenity of residents in Pickford Walk but would be oppressive, reduce light to their front gardens and impact on their privacy. The reduction in parking provision would be below the minimum standard and would lead to cars being parked in Avon Way. He was also concerned that there was no safe pedestrian route between Avon Way and the University. He noted that the Council's Landscape Officer had asked that the tree cover be increased. The report acknowledged the impact on the amenity of residents in Pickford Walk and he asked the Committee to reject the application and invite the applicant to submit another application with the omission of blocks A and B.

Mr Owain Thomas, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Over the next two years the University hoped to expand by 2,000 students and there was a shortage of quality student accommodation; both the University of Essex and Colchester Institute have expressed interest in renting accommodation in this scheme. A consultation event had been held and the scheme had been reduced by 11% after taking on board the comments received. The distance between the blocks of flats and Pickford Walk exceeded the minimum planning requirements. Of the existing 100 parking spaces only twenty-three have been let. An independent report shows there is no overlooking or overshadowing of Pickford Walk at all. Some comments relate to noise but the scheme would be built to comply with building regulations. The scheme is fully managed 24 hours a day.

Councillor Julie Young attended and, with the consent of the Chairman, addressed the Committee. She believed the scheme did not comply with planning policy UEA11 in respect of protecting the amenity of residents of properties in Pickford Walk which are 13 metres from the new blocks of flats. The proposal reduces the car parking provision to a level below the standard which would cause tension between residents and students because of the

likelihood of more on-street car parking in nearby streets adding to existing problems. She had measured the distance between the development and the heart of the University at 2,350metres which had taken her 27 minutes to walk. A journey to the University would involve two buses. If a development of this density was proposed for housing on the open market it would be recommended for refusal, however the report states that for students the proposal has to be determined on its merits and she questioned why students were treated differently. The relationship between students and residents is fragile and to rely on Environmental Control to deal with any noise issues was unhelpful. There were robust reasons for refusal which she hoped the Committee would accept.

Councillor Tim Young attended and, with the consent of the Chairman, addressed the Committee. He had considerable sympathy with residents in Pickford Walk who had contacted him. He had found the Hospitality Office to be unmanned. There used to be a security officer in the grounds and late at night when the property was owned by the University. There is no direct public transport to the University and discouraging students from bringing their cars does not work elsewhere. There are a number of reasons for refusal regarding parking. The University has not allocated places for next year and they have no idea of admission numbers. He considered the proposal would be overly detrimental to residents.

Members of the Committee expressed a number of concerns including the overbearing effect and serious impact on residents in Pickford Walk of blocks A and B because they were considered too imposing. A reduction in height was considered to be necessary either by reducing the height of the buildings or by reducing the ground level which was significantly higher at the front of the site. There was some support for the suggestion that blocks A and B could be removed from the scheme and replaced by infilling between blocks C, E and F. However there was an opposing view that if there were no pathways through the infilled run of buildings it could create a potential danger for female students. The journey to the University also posed problems for students. A journey by public transport involved two buses. The walk to the University was 2km by road and necessitated crossing Clingoe Hill; either by a subway which was considered to be impassable when flooded in the winter, or a surface crossing of the dual carriageway where there was no adequate provision for pedestrians. A contribution towards a surface crossing was suggested but the Highways Authority would need to be consulted. The lack of students using cars could be explained by the accommodation being used by overseas students who do not have cars.

It was explained that in the local plan this area is not defined as a highly accessible area because it is not close to facilities, but because the accommodation is for students and is close to the University the high density

is acceptable. The scheme satisfies the design guide in terms of the impact on residents. The development is not entirely three storey blocks because there are two storeys facing Pickford Walk. Blocks A and B effectively create a street with Pickford Walk and it is considered that the form of the new dwellings respects the existing dwellings. The newly created 'street' would be more than 13 metres wide which is not an uncommon occurrence in this area. No issues relating to privacy or daylight had been identified, and whilst there is a reduction in the number of car parking spaces the applicant has explained the lack of demand. However, the Committee's concerns regarding blocks A and B were acknowledged and the differing ground levels was an issue to be considered. It would be possible to investigate whether amendments to the scheme could be negotiated.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for discussions with the applicant and further consideration to be given on the following matters:-

- the proximity of blocks A and B with properties in Pickford Walk, including siting, reduction of heights, lowering of slab levels, infilling between existing blocks and proposed blocks along the south east boundary to remove the need for new blocks adjacent to Pickford Walk;
- an increase in car and cycle parking provision;
- the Highway Authority to be asked to consider a Section 106 contribution towards a solution for pedestrians crossing the A133.

The application to return to the Committee for determination.

Councillor Kevin Bentley (in respect of being a member of the Essex Fire Authority) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Elliott (in respect of the agent having been employed by Tiptree Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

52. 080665 20, 22 and Bokhara, Maldon Road, Tiptree, CO5 0LL

The Committee considered an application for a revised scheme for a residential development comprising two one-bedroom apartments, one two-bedroom apartment, one three-bedroom house, four four-bedroom houses and four five-bedroom houses. The apartment block and the two and a half storey houses had been reduced in height to two storeys; and two of the five-bedroom houses had been reduced to four-bedroom houses. The Committee

had before it a report in which all information was set out, see also Amendment Sheet.

The Committee revisited the site in order that they could assess the impact of the scheme which had been revised to meet the concerns of the Committee expressed at its meeting on 12 June 2008, and because there were a number of the current Committee members not present at the previous site visit.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Andy Green addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This is about a development sympathetic to its surroundings. Many of the concerns about the previous plans can still be made about this scheme. The density will enable the applicant to maximise profits; it is not about what is appropriate for the area. He would prefer to see a density of twenty dwellings per hectare comprising buildings which are not overbearing or obtrusive. The height of some of the units is still an issue. The requirement was to reduce the height of the three storey flats which he considered had not been done. The Highways Authority has not been consulted on the revised plans. He was concerned that the proposal is being accepted on the basis of backland being right for development. Traffic emerging from the development cannot be seen and would be dangerous to pedestrians and oncoming traffic in Maldon Road. Residents are concerned that their back gardens will be affected with the removal of trees and terracing of the area. This is a wet area and this has been ignored; water is likely to pool.

Mr David Poole addressed the Committee on behalf of the owners pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He understood the concerns raised by neighbours and considered that the matters had largely been addressed in their report. Any impact has been limited to an acceptable level having regard to council officer advice. The Design Guide does not form part of the statutory consideration in respect of the height of dwellings. The ridge heights of units and dormer windows have been reduced to address the Committee's concerns and it is now correct to recommend approval.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. Birch and Winstree Ward covers part of Tiptree and residents had asked him to speak. There are genuine concerns from people in this village. It is a classic case of overdevelopment with a surplus of dwellings across the borough and Tiptree. Concerns about design remains even though there have been changes. They are still overbearing on neighbouring properties and will have an effect on views and daylight. The proposal was

out of keeping; these are town houses and a block of flats in a village. There is genuine concern about the possibility of flooding and he asked whether an appropriate risk assessment has been carried out. It was noted that the Highways Authority had no objection but he was concerned that they may not have visited nor be aware of the situation. People are genuinely concerned about speeding. He urged that the Committee defer the application to think about a risk assessment for flooding and for confirmation that the Highways Authority have visited.

Members of the Committee expressed a number of concerns. The density on this site is higher than the surrounding housing area. This is a village which does not need more houses in this area. There will be a brick wall instead of trees which will affect residents' amenity. There is a junction on a bend close to the site access which is not visible when leaving the site. There was a view that this is a wet area, surrounded by trees and liable to flood. It was requested that the Environment Agency undertake a flood risk assessment, or an opinion be obtained from the Environment Agency on the likelihood of flooding. An investigation into the presence of a piped water system or drainage ditch was also requested. This is a windfall site and it was requested that the Section 106 calculation be based on the twelve new dwellings and not on the increased number of nine units on the site. It was suggested that the use of any other contributions should be identified in consultation with Tiptree Parish Council and the Development Team. It was also requested that a note be included to the effect that the twelve dwellings should be deducted from the 140 new dwellings allocated to Tiptree in the Local Development Framework.

It was confirmed that the proposal before the Committee was directly in response to the Committee's requests at the previous meeting in June 2008; the number of five bedroom houses had been reduced, the 2½ storey unit had been reduced to two storeys and the height of the block of flats had been reduced from 10.5 metres to 7.6 metres. The applicant has met the requirements of the Planning Committee and there have been additional elevational changes. The whole application now before the Committee has been amended.

It was explained that the site is not within a flood risk area and therefore there is no requirement for a flood risk assessment, but there are conditions regarding details of drainage infrastructure to be submitted and agreed with the local planning authority which will take into account ground conditions including water, etc. When details are submitted to discharge the drainage conditions the local planning authority will consult with the Environment Agency so this issue will be covered as part of the conditions. The plans require details of any existing drainage ditches to be shown so that the authority is content that all issues regarding drainage have been taken on

board.

It was confirmed that the Highway Authority had visited the site and it was made clear in a letter when the application was submitted that the Highway Authority raised no objections. In respect of the open space contribution, the guidance adopted by Council is based on the number of bed spaces. In terms of PPS 1 account has been taken of the context of the area. The architect is looking to achieve buildings which have a sense of place in their own right. The development is formed around a square with landscaping. The development is on the low side of the recommended density.

RESOLVED (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document, and a contribution of £10,000 towards Community Facilities in the form of the Tiptree Community/Village Hall.

(b) Upon receipt of a satisfactory Unilateral Undertaking, 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, together with an additional note for officers to consider with Planning Policy whether these units will count towards the total allocation of provision in Tiptree for Local Development Framework purposes.

53. 090395 8 Hall Road, West Bergholt, CO6 3DS

The Committee considered an application for a new two storey dwelling with proposed parking within the garden area of the application site. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

54. 090519 53 London Road, Copford, CO6 1LG

The Committee considered an application for the demolition of existing industrial buildings and the erection of a detached two-storey four bedroom dwelling with a detached double garage. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, 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.

55. 090749 Land adjacent (south of) Rushmere Close, West Mersea

The Committee considered an application for the erection of a two storey unit 6m in width and 9.2m in length. The ground floor is shown as being a storage area with office accommodation within the first floor. The Committee had before it a report in which all information was set out.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Hugh Reid addressed the Committee on behalf of four households pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. There are no objections in principle to the development but there are concerns regarding privacy, noise and visual amenity. He referred to paragraph 8.2 of the report which stated that the design of the unit was generally more sympathetic to the other units within the industrial park to which it would relate rather than to the residential properties in the vicinity. However until now the industrial units did relate well to the residential properties because the single storey units had been grouped together to the south, causing minimal loss of amenity. This application would break that pattern; the two storey unit would tower above the line established as the ground is nearly one metre higher and two upper windows would look easily into his garden and also into gardens of houses in Queen Anne Road. The belt of trees provides only a partial screen in summer, but little in winter and that situation has been worsened by felling all the trees on another piece of land. The hours of work suggested are greater than the hours of work applied for and he requested that the approval revert to those hours on the original application.

Members of the Committee suggested that obscure glazing be used in the upper floor windows to prevent overlooking. The shorter hours of working applied for was also supported. The height of the land to be developed relative to the properties at the rear was queried. A solution would be to lower the

ground level of the site to the same as that of the properties, or alternatively to introduce more landscaping to provide a screen.

It was explained that the roof of the unit had a very shallow pitch and at 6 metres high is far lower than a two storey house. The activity within the building will be quiet and will not impact on residents. Obscure glazing would be possible in the two larger windows on the west elevation at the first floor level. The site, which is allocated employment land, is some distance from Queen Anne Road. A revision to the condition on times of working could be acceptable. The site slopes up from front to back but is lower than gardens in Queen Anne Road. Additional landscaping along the rear boundary would be possible.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with the following additional and amended conditions:

- Condition 2 be amended to restrict opening/delivery times to 9.00am to 5.00pm Mondays to Fridays and from 9.00am to 1.00pm on Saturdays and at no time on Sundays or Public Holidays;
- new conditions to require additional landscaping along the rear boundary and obscured glazing in the eastern elevation.

Councillor Stephen Ford (in respect of his daughter being a student at Lexden Junior School, an objector to the application) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

56. 090433 81-82 London Road, Colchester, CO3 9DW

The Committee considered an application for a change of use of the first floor of the building to permit a use either for retail sales (Class A1) or for a church (Class D1) in the alternative, including modifications to the roof and fenestration, insertion of fire doors on the ground floor and the provision of bicycle parking areas. The former MFI premises has permission for use as an Aldi store with a condition preventing retail sales from the first floor. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

57. 090434 80-82 London Road, Colchester, CO3 9DW

The Committee considered application for the deletion of Condition 5 of planning permission 081079 (No retail sales shall take place from the first floor of the building); the main issue being whether the removal of the condition would be likely to lead to retail use on both floors on a site where the provision of parking is below the maximum standard. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

58. 090669 22 Whittaker Way, West Mersea, CO5 8LB

The Committee considered an application for a new boundary fence. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

Councillor Ray Gamble (in respect of being acquainted with the public speaker, Parish Councillor Moles, by both being members of the same Panel) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Beverly Davies (in respect of having been involved in the setting up of the Heritage Trust including fundraising) 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.

59. 090704 Rowhedge Heritage Trust Hut, High Street, Rowhedge

The Committee considered an application for renewal of planning permission 071120 for permanent permission of the continued use of the Heritage Trust Hut. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. The Heritage Trust Hut was a focal point of the village. Ms Jackson referred to the Amendment Sheet which explained that the applicants were prepared to accept a temporary permission but they were seeking funding for a permanent building and a condition was proposed requiring the

building to be maintained in good repair. Discussions had taken place with the applicant regarding the objections and an informative has been added to provide for prior notice to be given to the owners of the adjacent property of any activity taking place relating to the flag pole; these occasions are estimated at once or twice per year.

East Donyland Parish Councillor Peter Moles addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This is the second application for an extension of the temporary permission and the viability of the original permission was queried as was the ability for a second temporary period to be granted. The building was only a portakabin which was not in keeping with the area.

Mr Keith Phillips, Chairman of Rowhedge Heritage Trust, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The aims of the Trust are to record the maritime and social history of Rowhedge and create a community maritime facility. They have over 300 members who support the project. They have worked with parish, borough and county councils to gain support, develop a viable business plan and obtain a source of capital funding. The Hut acts as a focal point for the village and opens up a community space which has not previously been used for the enjoyment of the riverside location. The design and appearance is exactly as advised by Colchester Planning Service when planning permission was originally sought and very is similar to buildings in Mersea and Tollesbury. The building is well maintained. Consultations with and presentations to the parish council have been undertaken and none of the issues mentioned have been raised. They were willing to work with the parish council and with any neighbours about reasonable requests to minimise any impact the hut has on them. They would accept a further temporary extension rather than a permanent permission although the cost of the application is an issue for them.

Members of the Committee generally supported the project but were concerned about giving a permanent permission on a hut but were also mindful that government advice does not favour continually giving temporary consent. The preference was to grant temporary permission but with an increase in the length of time to provide an opportunity for the Trust to obtain the funding sources to enable the project to continue.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with an additional condition restricting the permission to a 5 year temporary permission.

60. Enforcement Report // Land at Church Lane, East Mersea

The Head of Environmental and Protective Services submitted a report on a breach of condition on land at Church Lane, East Mersea. A Breach of Condition Notice was served on 29 April 2009 requiring the cessation of the use of the site for vehicle maintenance with a compliance notice of 3 months. In the meantime a planning application, reference 090827, has been received to regularise the unauthorised use of the site. The purpose of the report is to make the Committee aware that, apart from a site visit to check that the notice is being complied with, no further action will be taken until the planning application has been determined.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. He confirmed that in the event that the application is refused the breach of condition notice would be pursued forthwith.

RESOLVED that the situation as described in the report be noted.

61. Failure to comply with Section 106 // 34 East Hill, Colchester

The Head of Environmental and Protective Services submitted a report providing details of a failure by a developer to comply with a Section 106 agreement to provide a contribution towards open space, sport and recreational facilities and the enforcement action being taken to reclaim the monies owed and any legal costs incurred in doing so.

RESOLVED that the situation as described in the report be noted.

62. Performance Report // 1 April 2009 to 30 June 2009

The Head of Environmental and Protective Services submitted a report giving details of the performance of the Planning Service as judged against key National Indicators and important local indicators and summarises the details of 'allowed' appeals for the period from 1 April 2009 to 30 June 2009.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. The Planning Service was facing a fairly difficult disruptive period but have had a post unfrozen and a planning officer has left the Service. The appeal which was allowed was a delegated decision but there were no costs involved.

The Chairman considered that the Planning Service had come through a difficult period with frozen posts and staff going out to other areas and earning sums for the general fund. They are doing sterling work and the number of

applications is keeping reasonably high. All in all they have done a very good job and he thanked them for the work they have achieved in the three months.

RESOLVED that the report be noted and planning service be congratulated for an excellent performance for the three months ending 30 June 2009.