

PLANNING COMMITTEE
25 APRIL 2013

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

Substitute Members :- Councillor Will Quince for Councillor Nigel Chapman
Councillor Dennis Willetts for Councillor John Elliott*

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

114. Minutes

The Minutes of the meeting held on 28 March 2013 were confirmed as a correct record.

115. 130362 Land adjacent to Marks Tey Hotel, London Road, Marks Tey

Councillors Chillingworth Lewis, Quince and Willetts on behalf of his Group, (in respect of a Conservative Group member's brother having an interest in the site) and Councillor Maclean (in respect of her acquaintance with the applicant) 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 the continued use of land for Car Boot Sales operating between 06:00 – 16:00hrs for Sellers and 07:00 – 16:00hrs for Buyers together with the formation of new access. The Committee had before it a report an amendment sheet in which all the necessary information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions and informatives as set out in the report and amendment sheet.

116. 130230 Worsnop House, Old Heath Road, Colchester

The Committee considered an application for the refurbishment and extension of an existing sheltered housing scheme to include the conversion of bedsits to one bedroom flats. The Committee had before it a report in which all the necessary information was set out.

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

117. 130186 Ilex Close, Colchester

Councillor Quince (in respect of his governorship at Montgomery Junior School) 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 an infill development of 43 dwellings and associated parking, landscaping and creation of allocated spaces for existing residents. The Committee had before it a report and amendment sheet in which all the necessary 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.

Ms Lucy Mondon, Planning Officer, Mr Simon Cairns, Planning Project Manager and Mr Lee Smith-Evans, Urban Designer, attended to assist the Committee in its deliberations. The Committee were informed that a late objection had been received as well as a consultation response from the Environment Agency.

Mr John White addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He claimed that the development would breach Section 1 and Section 8 of the Human Rights Act. He also suggested that the proposal was unsustainable, as the site had no access to industry or travel support, the local schools would not have sufficient spaces for new families and trees were to be removed. He suggested that armed forces families' ability to access doctors and schools was likely to be significantly negatively impacted.

Mr Michael Calder addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that the proposed density of the development accorded with Council policy and would create a more secure environment. He drew the Committee's attention to the fact that the parking proposals were up to standard and that no objections had been raised by the Education or Highways Authorities and the proposals had been recommended for approval by Officers. He explained that new planting would take place to replace trees that were removed. He also highlighted that the development would deliver 100% Affordable Housing through the Guinness Partnership, which required completion by 2013 to secure funding.

The Planning Officer explained that during the planning deliberation process, consideration had been given to the effect the development would have on individuals and, as such, had been considered proportional in relation to Human Rights. The application was felt to have a neutral affect on the local economy. It had also been stated by the North East Essex Clinical Commissioning Group that there was sufficient capacity at local GP surgeries to accommodate the increase in demand.

Members of the Committee expressed their disappointment that neither the local Borough Councillors, nor the Garrison had been involved in discussions with the developer on the proposals. Much concern was raised regarding the impact on local

schools, particularly bearing in mind the impact of armed forces families with school age children posted to Colchester at short notice. Additionally, reservations were made regarding the car parking proposals which allocated two spaces for new properties and one space for existing properties.

Other comments made by the Committee related to:

- The welcome addition of Affordable Housing to address housing need in the Borough;
- The possibility for priority to be given to armed forces families in the allocation arrangements;
- Provision of adequate lighting for the cycle path;
- The fear of crime issue identified by objectors to the application; and
- Possible options to provide more parking allocation for existing housing.

It was explained by the Planning Officer that Essex County Council had confirmed that significant investment would be made in education provision in the local area, leading to the expansion of existing and the creation of new schools. Also, it was explained that the housing allocation arrangements prioritised people with a local connection. It was advised that the issue of lighting for the cycle path could be provided for with the landscape condition.

RESOLVED (TEN voted FOR and FOUR voted AGAINST) that –

(a) subject to no objection from Anglian Water being received and the signing of a Section 106 of the Town and Country Planning Act 1990 Legal Agreement within six months of the date of the Committee meeting, to provide the following:

- Development to be 100% affordable housing; and
- Landscape Management Plan.

authority be delegated to the Head of Professional Services to approve the application subject to:

- (i) conditions set out in the report and the amendment sheet;
- (ii) any additional conditions required by Anglian Water; and
- (iii) an additional informative to the developer to make their best endeavours to provide more parking within the scheme for existing residents.

(b) In the event that the Section 106 Legal Agreement is not signed within six months, authority be delegated to the Head of Professional Services to refuse the application.

(c) A letter be sent to Essex County Council explaining the Committee's concerns regarding the arrangements for schools local to the Garrison to accommodate families with the children being posted to Colchester at short notice and to urge them to increase school places, especially for children from military families.

118. 130233 Innisfree, De Vere Lane, Wivenhoe

Councillor Ford (in respect of his association with the applicant) declared a disclosable pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.

The Committee considered an application, which had been called in by Councillor Liddy, for the erection of a detached dwelling with associated parking facilities. The Committee had before it a report and amendment sheet in which all the necessary information was set out.

Mr Carl Allen, Planning Officer, attended to assist the Committee in its deliberations. He drew attention to the amendment sheet, which stated that the comment regarding a TPO Holm Oak being removed without consent was incorrect.

Dr Neil Newman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He stated his belief that this application was, in material, a repeat of the application refused by the Planning Committee in May 2010. He considered that the site was too small and that he agreed with the Officer recommendation that the development was out of character and incongruous with the western side of De Vere Road. He asked the Committee to refuse the application.

Mr Steve Norman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that this application site was significantly larger than the previous application site had been. He suggested that the problems highlighted with the previous application had been addressed and soft landscaping could now be included around the development. He stated that the street view of the development was not cramped at all and that it was not incongruous with the harsh appearance of the bowls club pavilion opposite.

Several Members of the Committee commented on the potentially subjective nature of the decision, although understood the planning basis for it. The Committee considered that the problems encountered with the previous application, i.e. the size of the plot, had not been sufficiently addressed.

The Planning Officer explained that the host site's main garden at the front and the side could not be considered private, with the only private area being five metres of land at the rear.

RESOLVED (TWELVE voted FOR and ONE ABSTAINED from voting) that that the application be refused on the grounds set out in the report.

119. 130448 111 Straight Road, Colchester

Councillor Lewis and Qunice (in respect of their acquaintance with the objector) 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 a two storey rear extension to create a new family room and two bedrooms. The Committee had before it a report in which all the necessary information was set out.

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

Mr Lechner addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He appreciated his neighbours' desire for increased space, however believed that the proposed extension would dwarf and dominate his property. He also suggested that the natural light to his property would be significantly reduced, that the effectiveness of his solar panels would be drastically reduced and the general enjoyment of his property diminished.

Mrs Lowe addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She stated that the extension was intended to solve several spatial problems faced within the property, in order for the family to remain living there. She believed the design fitted well with the traditional structure and indicated the intention was to use sympathetic materials and local tradesman. She also highlighted that the '45 degree rule' had been adhered to and obscure glazing would be utilised to minimise any overlooking problems.

The Principal Planning Officer acknowledged that there would indeed be a loss of light impacting the efficiency of neighbouring solar panels. The Council's Planning Policies did not currently support refusal for reasons such as this.

RESOLVED (THIRTEEN voted FOR and ONE ABSTAINED from voting) that -

- (a) the application be approved subject to the conditions and informatives as set out in the report.
- (b) That the issue regarding the impact of neighbouring development on existing solar panels be referred to the Planning Policy Team for consideration.