

PLANNING COMMITTEE
28 JULY 2011

Present :- Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, John Elliott*,
Jon Manning*, Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Nigel Chapman
for Councillor Christopher Arnold*
Councillor Michael Lilley for Councillor Stephen Ford*
Councillor Nigel Offen for Councillor Peter Higgins*
Councillor Nick Cope for Councillor Theresa Higgins
Councillor Marcus Harrington
for Councillor Sonia Lewis*
Councillor Pauline Hazell for Councillor Jackie Maclean

Also in Attendance :- Councillor Martin Goss
Councillor Anne Turrell

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

Councillor Anne Turrell (in respect of her acquaintance with the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Pauline Hazell (in respect of her acquaintance with the owner of the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

32. 110937 Tubswick, Mill Road, Colchester, CO4 5LD

The Committee considered an outline application for a proposed replacement dwelling following the demolition of an existing dwelling and the erection of eight additional dwellings, garages and associated works (resubmission of withdrawn Planning Application 110503). 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.

Myland Community Councillor Pete Hewitt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on the grounds of the service road, the entrance and the design. He referred to pedestrians having to cross two roads to get to the school and he was disappointed that the Highway Authority had not recognised the issues in relation to the primary

school. He also referred to issues of overlooking and loss of privacy as a result of the loss of existing hedgerow adjacent to properties in Bolsin Drive. He was of the view that this proposal did nothing to reflect the social importance of the site in terms of the Daniel Defoe connection, but rather it obliterated the history of the site.

Mr Brian Morgan, chartered architect and town planner, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application on behalf of the applicant. He referred to the comprehensive Design and Access statement and the officer's report. He believed that all the issues had been dealt with within these two documents. There had been a consultation period during the first application at which time concerns were raised by residents, councillors and Essex County Council. This application was a re-submission; the access had been revised as a result of objections from Essex County Council. It was now in accord with their requirements and with safety requirements and officers were also satisfied. Residents were concerned by the difference in levels which would be dealt with by Condition 8. With the exception of the lower density, the proposal was in accordance with the Local Plan. The recommended density was 40 dwellings per hectare (dph) which was equivalent to fifteen plus houses on this site, but the Design and Access Statement had concluded that the local character of the area was medium sized family houses. Any undamaged bricks from Tubswick were retained and would be reused within the scheme.

Councillor Anne Turrell attended and, with the consent of the Chairman, addressed the Committee. She considered the gardens and parking provision should be more generous and that four or five homes on the plot would be more appropriate; the plot had contained one house. She expressed concern about the site being opposite a school and the danger of vehicles from main road and the new exit. She believed that some of the new dwellings could have up to four or five cars, and she queried where visitors would park. Additional concerns were that Mill Road was a bus route, that there needed to be a light controlled pedestrian crossing and parking restrictions imposed. With regard to impact on neighbours, she considered one of the new dwellings was too close to houses at the back of the site and the planting screen would take years to mature. She had been unable to find a condition to protect existing residents from overlooking from first storey windows. She asked that hours of work be specified, contractor vehicles be required to park on site, restrictions on bonfires and deliveries to occur outside school start and finish times. She asked that the application be refused or deferred for discussion about fewer houses.

Councillor Martin Goss attended and, with the consent of the Chairman, addressed the Committee. He referred to a proposal from Essex County Council for a pedestrian crossing opposite the school and now they require a raised table as a result of this application. He preferred that a zebra crossing be installed. Mention had been made of good consultation, but he was of the view that there had been none. A few weeks ago there was an intrusion through the fencing in an attempt to steal bricks from the site. He wanted some of the original bricks to be used for a permanent feature. He also wanted the developer to provide litter bins outside the 106 legal agreement. He believed that the whole proposal did not stack up and asked the committee to defer the application for an improved design and accurate drawings with landscaping annotated correctly.

The planning officer explained that the proposal was in keeping with the character of the area and did provide a sense of place. She referred to an aerial photograph showing the frontage development with modest gardens and asserted that the proposal did reflect the type of housing in the area. The Archaeological Team were asking for an evaluation to be carried out. In response to the request for the land to be used for a community hall, she referred to the allocated land use being for residential use which was acceptable in principle. The parking provision exceeded the council's standards by providing two parking spaces per unit and one extra space for each property. In respect of any overlooking, the rear elevations met the design guide in terms of privacy and any overlooking could be designed out at the reserved matters stage. Conditions could be imposed to prohibit deliveries to be made during school picking up and dropping off times. In respect of the consultation with the Highway Authority, they were aware of the issues raised by Myland Community Council and in their view the raised table was the most appropriate style of crossing in terms of road safety. However, they could be asked to provide an explanation as to why this package of works was the most appropriate. The agent had confirmed that it would be possible to reuse retained bricks from the listed building within the development and this was a condition on the demolition application. She confirmed that the garden sizes were between 60 and 100 square metres and thus met the council's standards, adding that if the garden size was below 100 square metres they could have no more than three bedrooms. In respect of litter bins, the application was not a major development but the adopted guidance does require community provision and this proposal has a Unilateral Undertaking, it was therefore for the developer to offer the provision of litter bins rather than for the council to insist upon their provision.

Members of the Committee had some outstanding concerns, particularly in regard to the pedestrian crossing. A pelican or zebra crossing was preferred to the raised table which was preferred by the Highway Authority, ideally with a school crossing patrol. The Committee asked that the Highway Authority be informed of their view for further consideration or an explanation as to why the raised table was preferred. The Committee had undertaken an extensive visit and whilst they understood that local people were disappointed that the original building had been destroyed there should be some acceptance that the site would be used.

Members of the Committee considered the layout suited the site and the number of houses did not comprise overdevelopment. They were aware that it was possible for historical elements to be acknowledged either in the reuse of the original bricks or the naming of the small estate. In respect of whether the proposal for a three storey corner building was acceptable, it would be possible to wait for the reserved matters application when a judgement could be made on the height of the corner building. There was a desire to ensure that the hedge along the southern boundary was strengthened with appropriate screening, and possibly to ask the arboricultural officer to ensure that not all the hedge would be removed in one go, but whether there could be a rolling programme. The parking provision was up to standard but there was a view that parents would find it convenient to park in the access road and double yellow lines were suggested for the access road to avoid this eventuality.

The planning officer explained that the Committee could defer the application and ask

the Highway Authority to discuss the road crossing issue with ward councillors with a view to either changing it to a pelican or zebra crossing, or provide a reason why the raised table was more appropriate. Alternatively, the Committee could approve the application, but add conditions which required the Highway Authority to reconsider these points as part of the reserved matters. Whilst it might be possible to put double yellow lines along the access road, but she believed that double yellow lines did not necessarily mean people would not park there. The suggestion to provide a school crossing person was outside the remit of this Committee. She referred to trees being protected by a condition of the planning permission rather than as a result of a Tree Protection Order; two within the southern boundary and two along the western boundary. If any of these trees were to be removed they would require replacement. The hedgerow along the southern boundary was to be replaced, but she considered it should be replaced with 2 metre high plants to create an 'instant hedge'. A condition could be imposed to avoid deliveries at school times.

Members of the Committee were of the opinion that ward councillors know their area and the application should be deferred to enable the Highway Authority to look at the style of the road crossing in conjunction with ward councillors. Other elements of the proposal to be reconsidered were:- the provision of litter bins; delivery times and double yellow lines along the access road; including consultation with HA re road crossing.

RESOLVED (UNANIMOUSLY) that the application be deferred for the following matters:-

- meeting between ward councillors and ECC Highways to discuss highway issues relating to whether the development should include a pelican or zebra crossing instead of the raised table; if not ECC Highways to provide an explanation;
- case officer to discuss provision of yellow lines along the new access road and provision of litter/recycling bins with the applicant/ECC Highways;
- Arboricultural Officer to re-examine the hedge along the rear (southern) boundary to see if it is possible to retain part of the hedge and/or trees within it;
- Additional condition required to prevent deliveries during school pick up/drop off times.

All information to be available to the Committee when the application comes back for determination.

33. 100442 Land adjoining 12 Mill Road, West Mersea, CO5 8RH

This application was withdrawn from the agenda by the Head of Environmental and Protective Services for further information relating to the impact upon the adjoining dwelling.

Councillor Peter Chillingworth (in respect of being the applicant) 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 he left the meeting during its consideration and determination.

34. 110813 Oak Farm, Vernons Road, Wakes Colne, CO6 2AH

The Committee considered an application for the installation of twelve photovoltaic solar panels to the south elevation of an unlisted barn. The Committee had before it a report in which all information was set out. It was noted that the Design and Heritage Unit had no objection to the proposal.

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

35. 111058 Former Dairy Depot, Wimpole Road, Colchester, CO1 2DB

Councillor Chillingworth was not present for the following item which, together with the application at minute no. 34, was determined under the en bloc arrangements.

The Committee considered an application for a variation of Condition 6 attached to planning permission 090551 regarding delivery times Monday to Saturday 0700 to 1900, Sundays and Bank Holidays 0700 to 1900 light goods vehicles (i.e. transit vans) 0830 to 1200 limited to 7.5 tonne vehicle maximum weight. 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.

36. 111064 66 Old Forge Road, Layer de la Haye, CO2 0LH

The Committee considered an application for the retention of a fence and trellis at a reduced height of two metres and the retention of a side gate adjacent to the house. 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. Photographs were included in the presentation showing a number of examples of boundary walls with hedge and tree planting to illustrate the character of the development and also examples of wooden fences, one opposite the site and another further along from the site in Old Forge Road. Further photographs were shown of the works to remove the wall on this site and the erection of the replacement fence. The parish council had requested that the Committee undertake a site visit and take residents' views into account. Letters had been received both in opposition to the

proposal and in favour of the proposal. Conditions for this proposal required planting along the front and return boundaries. Essex County Council Highways had not objected to this proposal. She referred to an application in 2004 for a fence on a corner plot near to this site which had been refused with a requirement to retain the wall. Officers were now of the view that circumstances had changed with the passage of time such that a fence was now appropriate.

Paul Rawnsley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the development being a beautiful place to live. He had sent some photographic examples which had been shown to the Committee. This estate was an open plan estate with walls that blend into the houses. There were similar fences some years ago and the response was that the fences represented an inappropriate method of enclosure. The fence was taken down and a wall built a few metres back. He believed that this had set a precedent on the Maltings Green Estate.

Gary Felton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the ivy holding up the wall which took 4-6 weeks to remove and to the poor condition of the brickwork and poor construction of the wall. He believed the silver birch tree had contributed to the weakening of its footings. He had talked to a council worker who explained that they were not cutting the grass because it did not belong to the council. He had confirmed with the Land Registry that the boundary of his property was close to the edge of the footpath. He had not realised that a garden fence needed planning permission because there were other similar fences on the estate. There was a covenant but it was only in place for 20 years.

The planning officer explained that at the time this development was approved an open plan development was acceptable. Whilst there were a range of walls and fences on corner plots, the majority of front gardens had no form of enclosure. Those initial occupiers who had moved on to the development appreciated its open character, but over the years the original character had been eroded. When the application referred to was refused in 2004 there were significantly fewer fences than today. Officers had driven around the estate and taken a note of the predominant character. The view now was that a significant number of boundary fences had been erected; some with planning permission, some without planning permission but with a certificate of lawful development, and some without planning permission. They now considered that the character of the area is one with boundary fences and walls, hence the recommendation for permission. The land formed part of the applicant's side garden, and as the fence had not been erected up to the edge of the pavement, planting would be possible along the front and side, possibly with a tree in the front alongside the house.

Members of the Committee referred to there being no planning by precedence and they did not like retrospective planning permission. However having seen the fence, they were quite satisfied for the fence to remain provided there was planting along the boundary. It was appreciated that some residents wanted to maintain the character of the estate but ideas have changed over the years. They recognised the fact that there had been letters on both sides and the parish council had not taken sides. They

understood that residents wanted to maintain their privacy and make the best use of their property.

The planning officer confirmed that to maintain the fence unaltered would require the deletion of Conditions 1 and 2; only Conditions 3 and 4 would appear on the notice.

RESOLVED (UNANIMOUSLY) that –

(a) The description of the application be amended to read “Retention of fence and trellis and retention of side gate adjacent to the house”.

(b) The application be approved with conditions and informatives as set out in the report, subject to the deletion of Conditions 1 and 2.

37. Performance Monitoring // Application Determination and Appeals Analysis

The Head of Environmental and Protective Services submitted a report giving details of planning application determination performance together with an appeals analysis update for the period 1 April to 30 June 2011 and also a year end analysis of NI 157 eight week and thirteen week performance, and appeal analysis for the period 1 April to 30 June 2011.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to the performance of Major applications which involved a great deal of work by the planning team, the 100% performance represented 15 out of 15 determined within the time limit which was pleasing to officers. This had been achieved in a climate of fewer planning officers. All the statistics exceeded the target set by central government. In respect of performance of appeals, there had been no award of costs against the council. There had been three ombudsman complaints but all resulted in there being no case to answer. She referred to the Planning Committee taking their own credit in good decisions and good performance.

Members of the Committee considered this to be an encouraging report which was the best to date.

RESOLVED (UNANIMOUSLY) that the report be noted.

38. Performance Monitoring // Actions to improve customer service

The Head of Environmental and Protective Services submitted a report detailing the progress being made in terms of improving the quality of customer service for the period from for the period 1 April to 30 June 2011.

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

Members of the Committee acknowledged that performance in this area was moving in

the right direction, but there was still work to do. Members were disappointed at the number of councillors who had undertaken the planning training which they considered was useful to all members in their ward work regardless of whether or not they wanted to act as a substitute on the committee. It was also noted that few parish councils had taken up the offer for a liaison session and members were keen to encourage their parish councils to attend.

RESOLVED (UNANIMOUSLY) that the report be noted.