

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
5 July 2012 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

9. Amendment Sheet

142 - 149

See Amendment Sheet attached.

AMENDMENT SHEET

Planning Committee
5 July 2012

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

7.1 120973 – Land opposite Sanders Drive, Lexden Road, Colchester

Additional objections

Since the committee report was written, a further 175 objections have been received together with a petition containing 28 names and addresses. The majority of comments relate to issues already addressed within the committee report. Objections raised that were not previously addressed are addressed were as follows;

1. The mast is not needed.

Some objectors highlight that their mobile phone reception is adequate. It is unclear whether or not this is 3G reception they are referring to. 3G is the network that allows for mobile internet connection.

The government's view is that improved telecommunications systems are needed. The GPDO does not require an applicant to demonstrate specific need, but the applicant has in any case shown the area where they wish to improve signal strength. It is highly unlikely that the applicant would have pursued this application and its predecessors at great cost if the facility was not needed. Members are advised that objectors' doubts over the need for the proposed development are not a material consideration.

2. Perception or fear of harm to health as opposed to actual harm to health.

Some objectors recognise that weight cannot be given to health issues, but maintain that public perception of health issues is itself a material consideration.

Guidance on this matter was given in superseded government guidance document PPG8. Whilst acknowledging that health and perception of health could be material planning considerations, PPS8 made it clear that that they are not considerations that should be given significant weight, stating;

“It is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.”

Although now superseded by the much briefer National Planning Policy Framework (NPPF), the NPPF includes nothing to suggest that the Government now takes a different stance. Court and Appeal Inspectorate decisions in any case tend to give such arguments short shrift. Members are therefore advised against giving weight to arguments of a ‘perception or fear of harm to health’.

Additional consultation comment

The Council’s Landscape Officer has made the following comments;

“In order to accurately assess the visual impact of the proposal it is recommended the proposed photomontages be confirmed as being carried out in accordance with the Landscape Institute’s Advice Note 01/11, this in order to ensure compliance with nationally recognised good practice in photomontage generation.

Any proposal should look to ensure the mast does not extend markedly above the backdrop of existing mature trees when viewed against the skyline, particularly from viewpoints along Lexden Road and Sanders Drive. Current photomontage would appear to illustrate this is achieved in part when viewed along Lexden Road but would appear to illustrate the mast as prominent and potentially visually intrusive when viewed from Sanders Drive.

It has already been acknowledged in the report that the proposed mast is not a positive feature in the street scene. The issue for Members to determine is whether or not this is outweighed by the benefits of development and the positive policy stance in relation to improved telecommunications.

To date no confirmation has been received from the applicant that the photomontages were carried out in accordance with the Landscape Institute’s Advice Note 01/11. In this context, the photomontages should be given little weight. The applicant is not in any case obliged to provide photomontages as part of a prior approval submission.

7.2 111672 – Cannock Mill House, Old Heath Road, Colchester

Condition 30 should say ... until conditions 31, 32 & 33

Condition 50 should saythe new link, a minimum of 3-4 metres in width,.....

7.3 120380 – Land between Haven Road and King Edward Quay, Colchester

- **The title box of the report advises that the site is within Harbour Ward. Infact the site is within New Town Ward, apart from the proposed additional surface car park off Distillery Lane, which is in Harbour Ward.**
- **Councillor Higgins first name is spelt Theresa.**
- **The following comments have been received from Colchester Cycle Campaign:**

‘CCC welcomes the conditions requested by ECC transport and CBC policy units, especially the link to Distillery Lane. We urge attention to detail when this scheme is installed to ensure maximum usage. CCC is willing to advise. We are concerned over the high level of car parking, which could affect neighbouring roads, and ask the applicant if reduced car parking, combined with the involvement of a car hire company or car club, would be better for students. We are worried that the existing cycle route along Colne Causeway is now substandard, especially for the number of cyclists it could carry between this accommodation and the university. We request that s106 money is made available for upgrading this provision, possibly with separate wider facilities for pedestrians and cyclists, or for a new, wide cycle/pedestrian bridge to connect with University Quays. Cycle parking should be of the highest quality, with good lighting, CCTV cameras and an annual registration system to minimise the problem of abandoned bikes. The applicant should offer an advantageous starter rent to any cycle trader who wishes to take up one of the retail units.’

Officer comment: The above comments are noted. The applicant has agreed to contribute funds towards the provision of a bridge link across the river, provided an implementable scheme is in place or in the event that such a scheme could not be implemented the money would be used for improvements in the area identified in the Council’s Cycling Strategy SPD. Furthermore, the scheme does provide secure parking for cyclists. Members should note that it is intended

the retail unit on the site would be occupied by a supermarket business.

- The report at paragraph 11.2 advises of a shortfall of 4no. spaces for student cycle parking. The applicant has confirmed that this shortfall was a mistake and the provision of an additional 4 spaces can be made to accord with the adopted standards.
- The reference to travel plans within the range of s.106 elements listed in the report should be removed as this element would normally be secured by condition. Furthermore the relevant policy (Development Policy DP17) of the Local Development Framework requires the provision of travel plans for non-residential development proposals where 50 or more employees are located on a site. It is estimated by the developer that the proposal would generate approximately 38 fte (full time employment) jobs – therefore being under the defined threshold.
- The wording of the Heads of Terms of the s.106 agreement put forward for Members endorsement has been revised following further consideration by the Development Team to read as follows:
 - A £180 000 contribution to off-site sport and recreation facilities (this sum split into two £90 000 amounts to be paid at identified trigger points)
 - An £85 000 contribution towards community development events and activities to be held on the on-site open space – again this sum to be paid in two amounts of £42 500 at identified trigger points.
 - A £300 000 contribution to be designated towards bespoke transport information and marketing packs for students and activities/projects which positively influence their travel behaviour
 - A contribution of £250 000 towards a new bridge across the river. However, if the bridge is not provided within a reasonable period of time then the funding may be used for the provision of specific identified pedestrian/cycleway enhancements between the application site & the UoE Campus identified in the Cycle Strategy SPD.
 - A contribution to cover the cost of any amendments to existing and/or proposed waiting and/or loading restrictions required as a result of the proposal.
 - Other elements of the agreement would include ensuring public access to the designated open space and agreement on the use of the community facility on the site.

On the basis of the above the reference to Residential Travel Packs in the wording of condition 20 shall be omitted.

- The wording of condition 21 is proposed to be amended to allow a degree of flexibility in relation to the submission of details for landscaping of the scheme. Rather than require the submission of details prior to the commencement of the development it is proposed that the details have to be submitted and agreed prior to occupation of the development.
- It is proposed that the wording of the recommended land contamination remediation conditions is amended to reflect those imposed under the approved application 120379. The purpose and intention of these conditions is the same as those on the agenda, and in terms of consistency it is considered appropriate that the same set of conditions are on both decision notices. Members should note that this approach is endorsed by the Council's Contaminated Land Officer and the Environment Agency.
- In order to allow a degree in the flexibility of the occupation of the residential units on the site, whilst recognising that a full C3 residential use is not being allowed, Members are asked to endorse a variation to the condition 05 in order that it reads as follows:

"The residential accommodation hereby approved shall only be occupied by students attending educational courses at the University of Essex and other affiliated colleges with the University or other Higher or Further Education establishments located in Colchester during term-times or persons attending courses, seminars or events at the University of Essex Campus or other Higher or Further Education establishment in Colchester outside of term-times, and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

REASON: The Council has considered this application on the basis that the development would provide accommodation for bona fide students and wishes to control the occupancy of the residential units for the avoidance of doubt and to ensure that the development is not utilised for general C3 use occupancy."

- Members are advised that the comments made at paragraph 14.17 of the report, in relation to the issue of an education contribution, are clarified as education contributions are not taken for student accommodation, and that there is no requirement for an Early Years Contribution towards crèche places resulting from the commercial elements as adequate provision already exists.

7.4 120333 – 310-318 - Land to the rear of Ipswich Road, Colchester

An amended plan has been received to show in principle a new native hedge being planted along the boundary with the Country Park with a 1.8m high hit and miss fence inside the hedge line. The updated tree report is still to be received. There is therefore no substantive change to the officer recommendation to delegate approval to grant planning permission subject to this being received and the Arboricultural Officer confirming this is acceptable.

Two extra conditions are recommended:

21. The first floor window in the southeast side elevation of plot 2 shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

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

22. No new window or other opening shall be inserted above ground floor level in the southeast side facing elevation of plot 2, nor in the north side facing elevation of plot 1, without the prior approval in writing of the Local Planning Authority.

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

7.5 120484 – Land at Meadow Green Farm, Mount Bures Road, Wakes Colne

Please note the following has been withdrawn from Committee to enable the Council to seek an independent view into the applicant's functional and financial justification.

7.6 120411 – Greyfriars, High Street, Colchester

For the avoidance of doubt, it is only condition 26 which is for discussion this evening; other items were resolved at a recent Committee.

7.7 120891 – 15 Hawlmark End, Marks Tey

An additional objection has been received from the neighbouring property.

‘Further to my email on 31st May 2012 objecting to the above planning application, we have now been notified that the planning officer is recommending it for approval. However, we feel you should be aware that we too applied for a second floor extension to our property but this was not approved. The one and only reason for its refusal was the cramped appearance the development would bring to the street and the likely terracing effect should houses on either side extend in the same way. We decided to appeal against the decision as not only are there other houses on the same estate with similar extensions, the house opposite was extended in the same way with the same distances between neighbouring buildings. Our appeal was, however, turned down for the following reasons:

- 1. The inability to see an area of sky above the flat roofed garage.**
- 2. It was contrary to the separation distances set out in the Council’s SPG on house extensions adopted in November 2005.**
- 3. Loss of light which would affect the living conditions in the neighbouring property.**

We can appreciate that the planning department will now say that this guidance has been superseded but we are most concerned that this type of extension is being considered on an identical house with the suggestion that it now meets all the planning regulations when the area between our houses remains the same narrow space and the extension will create the same cramped effect on us as our extension would have apparently created on others had it been allowed and we will lose light and privacy which would affect the living conditions of a neighbouring property.

We feel the reasons this application should be turned down should be identical to the reasons given for our planning refusal and should you choose to approve this application, we are most concerned that this would highlight inconsistency within the planning department and could also be seen to be both unfair and unreasonable.

Should you go ahead with the recommendation to approve the application, we would request that consideration is given to moving the “en-suite” window on the first floor at the rear of the property so the window overlooks their conservatory roof rather than our garden.

We would also request that the exterior is brick built rather than plaster, as it doesn’t take many years for plaster on a wall that will not be subject to sunlight to require deteriorate. Whilst we are fairly sure that repeated redecoration is unlikely, as it will be on a wall not on view to them, it will be on constant view to us. In

addition, should they need to redecorate, this would also require intrusion into our garden to allow this to happen.

We are aware that the alterations are being done to the house to enable a family member to live there and although there is no "kitchen" area included in these plans, we feel this could be added later to create a kitchen/living area. These plans include a "front door" which would suggest to us that this is an "annex" and once this plan is approved it would in effect create two semi-detached buildings, as the connecting door to the main house could easily be closed off and would create a building that would not be in keeping with the current character of the street.

We hope that you will agree that our concerns are justified and our views should be taken into account by the committee when making their decision.

OFFICER'S RESPONSE: The points raised here are noted, and most have already been covered in the Committee report.

However, the issue of the previous application at 11 Hawlmark End does raise an interesting point about consistency. This application (F/COL/05/1650) was for a two-storey side extension similar to this one, and was refused and the appeal dismissed. The reason for refusal was simply due to the cramped/terraced effect, and not for any amenity reasons.

The key difference between that application and this was that that proposal was for a two storey element which was virtually flush with the front of the house (actually set back 950mm) and that our policy UEA13, whereas the current proposal is for a meaningful set back of several metres to a point level with the existing garage front. Your Officer has taken the view that, given the size of gap which would exist between the two dwellings, terracing is very unlikely and the fact that the extension would be set back does further reduce this affect.

The point about potential use as an annex is worthy of response also. As shown, the suite of rooms whilst not quite constituting a separate unit, does nevertheless lend credence to this concern. This is further heightened by the separate door. To put the matter beyond doubt, it is proposed to exclude the front door from the extended section, and to add an extra condition that the rooms applied for be used only in connection with the main dwellinghouse.

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Part B

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Pages

There are no Section B Items