

PLANNING COMMITTEE
12 JUNE 2008

Present :- Councillor Stephen Ford (Chairman)
Councillors Mary Blandon*, Nigel Chapman,
Peter Chillingworth*, Helen Chuah, Mark Cory*,
John Elliott*, Wyn Foster*, Chris Hall, Sonia Lewis* and
Nigel Offen*

Substitute Member :- Councillor Nick Barlow for Councillor Ray Gamble*

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

43. Minutes

The minutes of the meeting held on 29 May 2008 were confirmed as a correct record.

44. 080665 20, 22 and Bokhara, Maldon Road, Tiptree, CO5 0LL

The Committee considered an application for a residential development comprising three two-bedroom apartments, one three-bedroom house, two four-bedroom houses and six five-bedroom houses. The Committee had before it a report in which all information was set out, together with further information on the 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. Ward Councillor Fairley-Crowe was in attendance at the formal site visit in accordance with Section 7(3) of the Planning Procedures Code of Practice.

John Davies, 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. He was of the view that the proposed development would have no positive benefit for Tiptree and only a negative effect on the affected residents. The three storey apartments were completely out of character with the surrounding area; the view from his property would be a huge brick wall. The Local Plan stated that mixed unit developments would comprise between two and four bedrooms, and so five bedroom units in this development were not in accordance with this expectation. None of the surrounding developments were higher than two storeys. The Local Plan drew attention to the need for flexibility in respect of density and need to lower the level; the density of the development was too high for Tiptree. This development should fit in with its surroundings, but as submitted it was overbearing and out of character with the surrounding area.

Members of the Committee also expressed a number of concerns about the

application. The density of the development was 30 dwellings per hectare which, at the lower end of the range, was considered acceptable. However, the size of the dwellings was not considered acceptable. Developers seemed to have taken advantage of the lower level situation to get as much height as possible in the dwellings; two and a half storey dwellings were effectively three storey houses. The top floor appeared as a black slate wall. This form of development did not exist elsewhere in Tiptree and was therefore not in keeping; two storey dwellings would be more acceptable. In addition the five bedroom dwellings were outside the development brief for this site which had specified dwellings with between two and four bedrooms. Whilst the design of the dwellings complied with the Essex design guide, their appearance was not considered to be attractive, specifically the windows were mentioned. The car parking provision was two spaces per dwelling but 24 spaces for a development with 47 bedrooms was considered to be inadequate. There were concerns in respect of the stability of a large tree which had fallen and consequently whether an ash tree on the site was similarly close to falling into the site. Some members considered that the variety of accommodation on the site would attract families. The Local Plan stated that there would be no major developments above ten units in Tiptree. However this site was classified as a major development because it comprised twelve new dwellings, but for Local Plan purposes it was not regarded as a major development because the net increase in number of dwellings was nine taking into account the three dwellings which were being replaced. The facilities in Tiptree were those of a rural area, but in respect of housing Tiptree was regarded an urban area.

It was explained that this was a major application in respect of the number of properties. The Local Plan stated that there would be no new major development allocations in Tiptree. However, this site constituted a windfall site and not a major development from a Local Plan perspective because it had not been allocated in the Local Plan. The scheme attempted to develop a new sense of place in the area but it did not appear to take on the character of the area. The density, however, was consistent with the character of Tiptree. Two or two and a half storeys were commonplace throughout the borough and were included in every housing estate development. They were a way of maximising the roof spaces for developers and steep roof pitches lent themselves to accommodation in the roof spaces. True three storey dwellings would be higher than two and a half storey dwellings. The distance from the back of existing properties in Queensway to the side of new properties was 9 metres. In respect of concerns about trees on the site, the application was accompanied by a tree impact survey. Any drainage issues would be covered by Condition 4 and 5 which required a scheme of surface water and foul drainage respectively. There were issues in terms of the stability of the bank but the recommendation included the need for a structural survey and scheme of works to stabilise the bank.

In summary, members were uneasy with the design because it was not in character with the surrounding developments and the dwellings appeared top heavy. There were too many five bedroom units compared with properties in the surrounding area, particularly in Queensway, and the proximity of no. 12 Queensway was an issue as was the bulk and size of roofs and the height of the block of flats.

RESOLVED (NINE voted FOR and THREE ABSTAINED from voting) that

consideration of the application be deferred to enable negotiations on amendments to the application to achieve:-

- a reduction in the number of five bedroom houses;
- amendments to the height and design of 2.5 storey units with particular emphasis on reducing the size/height of the roofs;
 - a reduction in the height of the block of flats to two storeys.

45. 080824 Regal Works, Plummers Road, Fordham

The Committee considered a retrospective application to regularise the erection of two business units to replace former fire damaged buildings on Regal Works (Wormingford Airfield) Rural Business Site, on the eastern side of Plummers Road, approximately half way between the village envelopes of Fordham and Wormingford. 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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Brian Pooley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The units comply with EMP5 and are needed to maintain industry and employment in the area. Business use could be continued in the event that permission for industrial use was not granted.

Members of the Committee had two areas of concern:-

- the start time of 6am was considered to be too early in view of the proximity of the premises to a care home; a 7am start time was considered to more appropriate; and
 - the appearance of the buildings in their present shiny metallic finish was considered to be unacceptable and it was noted that Condition 5 specified that the exterior of the buildings be changed to a goose grey matt finish which would improve the appearance considerably.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report subject to the hours of use specified in Condition 2 being amended to:-

0700 to 1900 hours on Mondays to Fridays and 0700 to 1300 hours on Saturdays, and at no time on Sundays, Bank and Public Holidays.

46. 080842 15 Fitzgilbert Road, Colchester, CO2 7XB

The Committee considered an application for the demolition of an existing bungalow and the erection of a pair of two storey semi-detached houses. The Committee had before it a report in which all information was set out, together with further information on the 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.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide 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 Planning, Protection and Licensing be authorised to grant consent with conditions and informatives as set out in the report.

47. 080776 Fairstead, Tey Road, Earls Colne, CO6 2LD

The Committee considered an application for a change of use and alteration of a building formerly used in connection with commercial kennels. The use of the site as a kennels ceased some time ago and appeared to have lapsed. The application was for a use as a complementary health clinic together with a car parking area for two vehicles.

The site was within a rural area, part of a Countryside Conservation Area, in the extreme western part of the Borough alongside the Borough boundary and abutting Chalkney Wood with arable land to the north east and south east.

The Committee had before it a report in which all information was set out, together with further information on the Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be approved for the personal use of the applicant only for a maximum temporary period of 3 years with conditions and informatives as set out in the report.

48. 080895 8 The Parade, Queen Elizabeth Road, Colchester, CO2 8LY

The Committee considered an application for a change of use from a launderette to a charity shop, A1 retail use. 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.

49. Performance Monitoring Report

The Committee considered a report by the Head of Planning, Protection and Licensing together with statistical information on performance of the Planning Service in respect of the determination of planning applications for the year to 31 March 2008, an analysis of appeals for the quarter to 31 March 2008, and an update on planning agreements for the year to 31 March 2008.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

The report highlighted the fact that performance in all three categories of the most important indicator, formerly BV109 now National Indicator 157, had exceeded the Government's specified targets. It also provided a detailed breakdown of the £6.5million of financial contributions from Section 106 Agreements received in the year from 1 April 2007 to 31 March 2008, and an analysis of all appeals in the period from 1 January to 31 March 2008 in those cases where the Council had lost the appeal. It was explained that in respect of the Appeals record, formerly BV204, there was a need to do further analysis, training and workshops to get closer to 60% of appeals being dismissed. Three appeals had resulted in costs being awarded against the Council.

Members of the Committee congratulated the Planning Service Manager and planning officers for the very good results and thanked him for his clear presentation and report. Members considered that there had been one or two applications which need not have come to the Committee because comments had been received in response to the consultation, but the comments had not constituted an objection. A protocol was requested to ensure that in such cases the applications were dealt with by officers. In respect of appeals, there was a balance to be struck by the Committee between agreeing with an officer recommendation and going against such a recommendation. All councillors should be made aware of the potential impact of an appeal. It was noted that some of the decisions which went to appeal had been determined under delegated powers.

RESOLVED (UNANIMOUSLY) that the information set out in the performance monitoring report be noted and the Planning Service Manager and planning officers be congratulated for the very good results.

50. Review of Trial Planning Committee 'Call-in' Procedure

The Committee considered a report by the Head of Planning, Protection and Licensing together with proposals to adopt the trial 'call-in' procedure, as set out in the appendix to the report, as a permanent procedure with immediate effect and to amend the Constitution to reflect the change accordingly.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Members of the Committee agreed that the system had worked well during the trial period and councillors were satisfied with the way the system operated. It was considered that the trial arrangements could be made a permanent procedure. There were occasions, particularly in cases of neighbour disputes when ward councillors had requested that applications come to the Committee for determination to permit both sides to have their say. It was explained that in these instances under the 'call in' process, the Chairman and Groups Spokespersons would be consulted and if they agreed such applications could continue to be determined by the Committee.

RESOLVED (UNANIMOUSLY) that the proposal to adopt the trial 'call-in' procedure as set out in the appendix to the report by the Head of Planning, Protection and Licensing as a permanent procedure with immediate effect and to amend the Constitution to reflect the change.

51. Amendment Sheet