

**PLANNING COMMITTEE
3 NOVEMBER 2011**

- Present :-* Councillor Ray Gamble* (Chairman)
Councillors Christopher Arnold*, Peter Chillingworth*,
John Elliott*, Stephen Ford, Peter Higgins*,
Theresa Higgins*, Sonia Lewis*, Jackie Maclean,
Philip Oxford and Laura Sykes*
- Substitute Member :-* Councillor Barrie Cook for Councillor Jon Manning*
- Also in Attendance :-* Councillor Nigel Chapman

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

78. Minutes

The minutes of the meeting held on 6 October 2011 were confirmed as a correct record.

79. 111641 Perrywood Nurseries, Kelvedon Road, Tiptree, CO5 9SX

The Committee considered an application for the replacement of an existing garden centre building with a two storey building incorporating relocated offices on the first floor, an extension to the existing staffroom, an amendment to an approved open-sided structure (planning ref: 081513), and a retrospective application for an open sided glasshouse erected in place of an approved open-sided polytunnel. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

80. 110926 International Farm Camp, Hall Road, Tiptree, CO5 0QS

The Committee considered an application for the demolition of a communal building and other accommodation serving the International Farm Camp and the erection of ten detached dwellings, garages, parking spaces and roads, including the realignment of the carriageway and change of priority in Hall Road, together with footpaths, foul and surface water drainage, public open space and landscaping. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Nick McKeever, Planning Officer, attended to assist the Committee in its deliberations. He referred to this proposed housing development being an enabling development to provide the capital required for the adjacent development of seasonal worker's accommodation and associated facilities.

Mr Chris Newenham addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the 125 years that the company had been in Tiptree and their strong commitment to remaining there. He asserted that this proposal represented the first step to securing the company's long term future. The camp had been built during the first world war and was in need of improvement to comply with current legislation. The migrant labour was mainly required for fruit crops. He hoped the Committee would support the application.

Members of the Committee were aware that there could be many more new homes on this site than are being applied for. The community centre would be for the exclusive use of the seasonal migrant workers. The applicant had made their own arrangements for sewage treatment and any surface water would be collected in a reservoir for use in irrigation. Concerns were expressed regarding a potential conflict between access for construction traffic and the narrowness of Hall Road, bearing in mind the primary school which was nearby. Normally with a development of this size it would be required to provide 35% contribution towards affordable housing on site or elsewhere. Members suggested that in the event of a change in the housing market such that the development produced a larger sum of money than was currently envisaged, a claw back clause be added to enable a contribution to be made towards affordable housing.

The planning officer explained that the financial calculations were undertaken in 2010 and the market since that time has gone down. It was known that Wilkin and Sons had other plans, one of which comprised a significant amount of affordable housing, but it would be possible to include a claw back clause in the Section 106 agreement.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 legal agreement to provide for the following:-

- A contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's adopted Supplementary Planning Document;
- A contribution towards the provision of Community Facilities in accordance with the Council's adopted Supplementary Planning Document;
- A requirement that the works to the new International Farm Camp, as approved under the permission 100684, where these works are to be specified within the agreement, together with the works forming the associated permission 102600 for the communal building, are to be carried out and completed prior to the occupation of the 6th dwellinghouse;
- The Section 106 Agreement to be amended to include a claw-back clause to include an off-site provision for affordable housing should the sale/development of the site give rise to any surplus capital;

and to the referral of the application to the Secretary of State as a departure.

(b) Upon receipt of a satisfactory Section 106 Agreement and to notification that the Secretary of State did not wish to call in the application, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as

set out in the report together with an additional informative:- 'The developers are requested to use their best endeavours to control the routing of construction traffic.'

Councillor Ray Gamble, Councillor Peter Higgins and Councillor Theresa Higgins (in respect of being acquainted with the public speaker against the application) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

81. 111741 6 Ponders Road, Fordham, CO6 3LX

The Committee considered an application for the erection of a new dwelling with associated parking facilities. The application was a resubmission of application 110625. 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.

Mark Russell, Principal Planning Officer, and Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Theresa Jephcott addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of the Quilters Green Residents' Association. She believed this proposal was an infill development and that it was contrary to Government guidelines and to the council's SPD. Furthermore it would lead to additional traffic using the lane. The new development would be a chalet style property with a first floor. It would impact on seven surrounding properties; be a visual intrusion; overshadow neighbouring properties; be over-development of the site; and leave the host bungalow with a small outside space. Part of the site was covenanted to the host bungalow which would only be left with 120 square metres of space. This proposal would have a greater impact than an earlier application which was refused on the grounds of safety and impact on the nature of the village.

Steve Norman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The principle of development of the site was accepted but there had been a few matters that needed to be resolved and this had now been done. All the case officers who have been involved with this application had confirmed that development was permitted in principle. The site had a frontage onto a road with several dwellings. The design was in keeping with the surroundings. The host property had a large plot and the size and location lent itself to a new plot whilst leaving a curtilage for the existing dwelling. The parking spaces complied with the adopted standards. He did not believe this development would be to the detriment of any individual; indeed it would improve the area. The Highway Authority had no objections. The use of the land has been confirmed by a solicitor and was not an issue, and the building would not encroach onto the covenant area. He believed the appearance of the lane was currently rather unattractive but this development would enable an appropriate planting treatment along the frontage and

improve the area in general.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He was of the opinion that this was an interesting rural development, but it was important to get any development correct. He was unsure whether it was infill or backland development and asked for clarification. He referred to flooding having been a problem in the past. The area was a major attraction for visitors going to the Fordham woodland site. Highways had not objected to the application. He noted there was a condition preventing the addition of any windows. He asked for an assurance that, after the works had been completed, the lane would be reinstated to its state prior to the commencement of the works.

The planning officer explained that the council had adopted a backland and infill guide and this parcel of land was probably infill. In terms of privacy, he did not believe there were overlooking issues, nor loss of light or overshadowing. In respect of making good the lane; it was considered it would be preferable to leave it out of the planning application. The site was not within the flood zone but this comment was connected with the soil.

Having visited the site, Members of the Committee were aware of the special nature of the lane, although they had noted that there were two modern buildings. They appreciated the work done by officers to improve the development so that it fitted better into its surroundings.

In response to queries by the Committee the planning officer explained that the 2005 application was for a new vehicular access. The existing access was onto Ponders Road which was a private road, whereas the 2005 application was for a new access onto a classified highway. In respect of whether the covenant was live, it was explained that covenants normally only applied if the signatories were still alive or their successors in title chose to enforce them. This covenant prevented any buildings, including any sheds, from being located within the hatched area; it was noted that if the application was approved, permitted development rights would be removed.

In response to a query regarding whether there were any policy reasons for a refusal, it was explained that development would be permitted in principle because it was within the village envelope. Then there was a need to look at the impact, design, etc. and all of those elements had been met. It was recognised that there would be a change in appearance to the lane but that was considered an appropriate impact. It would be possible to refuse an inappropriate development in that location but the grounds for refusal would have to be justified. In his opinion it would be difficult to defend a reason for refusal on any of those grounds.

In respect of the reinstatement of the lane after the development had been built, it appeared that the red line included the section lane alongside the development site and the host bungalow, indicating that that part of the lane was in the same ownership as the development site. The planning officer referred to certificate C which the applicants had completed to indicate that the ownership of the lane was unknown. In those circumstances it would be possible to impose a condition requiring reinstatement of the road to its pre-development condition after completion of the development.

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 and on the Amendment Sheet together with an additional condition to require that the lane (known as Quilters Green) to be left in the same condition as it was before the development commenced, to the satisfaction of the Local Planning Authority prior to the occupation of the dwelling hereby approved.

82. 111725 13 Park Road, Colchester, CO3 3UL

This application was withdrawn from the agenda in advance of the meeting by the Planning Services Manager to await receipt of an up to date tree survey.