

## **PLANNING COMMITTEE 25 AUGUST 2011**

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillors Christopher Arnold\*, Peter Chillingworth\*,  
John Elliott\*, Stephen Ford, Sonia Lewis\*,  
Jackie Maclean\*, Jon Manning\*, Philip Oxford and  
Laura Sykes\*

*Substitute Members :-* Councillor Nigel Offen for Councillor Peter Higgins\*  
Councillor Barrie Cook for Councillor Theresa Higgins\*

*Also in Attendance :-* Councillor Christopher Garnett  
Councillor Anne Turrell

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

### **42. Minutes**

The minutes of the meeting held on 11 August 2011 were confirmed as a correct record.

### **43. 110983 Hallfields Farm, Manningtree Road, Dedham, CO7 6AE**

The Committee considered an outline application for the demolition of existing buildings and the erection of thirteen dwellings. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to a late letter from the Highway Authority revising their recommendation from a refusal to an approval with conditions. However, she advised that some of the Highway Authority's required conditions may be impossible to implement because of constraints of the road, for example the two metre footway along Manningtree Road, the widening of Manningtree Road to a required width and a dropped kerb crossing on both sides of Manningtree Road. If no local purchasers could be identified, the proposals for local purchasers would ultimately widen out to other villages and if that failed then the properties would be offered on the open market. The scale and amount of development was considered unacceptable, a situation which would be exacerbated by the removal of trees. She referred to Reason 1 for Refusal containing an error; PPG3 should read PPS3.

Mr Barge addressed the Committee on behalf of himself and other neighbours pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. As an adjoining neighbour, he objected to the principle of the proposal which he considered was flawed. He believed it would have a negative impact on his family, as one of the properties overlooked amenity spaces and would be dominated by the adjoining building. As neither he, his neighbours nor the adjacent residents had been engaged in a consultation, he doubted the claim that the community had been

engaged by the parish council. There was no heritage statement accompanying the application and he considered the council could invalidate the application.

Jonathan Hills addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. His company worked with Dedham Parish Council in order to fill the gap for properties for residents to downsize to as well as need for affordable housing. This proposal was the result of a survey undertaken by the parish council and was informed by a rural housing enabler. The site was in the Dedham Vale AONB and was surrounded by built development north, south, west, and in part, the eastern boundary. Natural England did not object and the applicant had worked closely with Essex Highway Authority who had now withdrawn their objection. They had agreed the principle of a financial contribution towards education and were willing to continue discussions on a financial contribution towards open space. This was an outline application for the principle of the type of development and tenure. The Core Strategy afforded support to affordable housing where it was contiguous but because it was not entirely 100% affordable housing everyone should benefit from more affordable housing for local people and it would remain in perpetuity for local people.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. He referred to previous applications and permission all adhering to the AONB and current policies. He believed that if the committee approved this outline application it would be difficult to grant the reserved matters application. He mentioned the sixteen units of affordable housing in Dedham which represented a percentage of the affordable housing in the ward and in neighbouring wards which were based on a full scale assessment of need. The policies were quite clear in that affordable housing should not become open market dwellings if they failed to sell within the prescribed rules. If that should happen he believed it would be a disadvantage to the village. There were many people in Dedham who wished to downsize. He considered that objectors would be more sympathetic to the application if particular matters in the scheme had been properly addressed.

The planning officer explained that the committee needed to consider whether the site could accommodate thirteen dwellings. Officers considered the number and layout of dwellings to be unsatisfactory. Neither the Heritage Statement nor the Design and Access Statement properly addressed the context of the site. The development was unacceptable in the Conservation Area and contrary to PPS5. The tree report might be inaccurate if the application had been recommended for approval this issue would have been fully addressed. There was no reference to the survey and a housing enabler, as mentioned by Jonathan Hills. She referred to the emerging draft National Planning Policy Statement and referred to the robust policies in place forming part of the Local Development Framework. She considered there should be full consultation in Dedham and an up to date survey to be undertaken. Although no recent response had been received from the Dedham Vale Society she believed their objection was still valid.

Members of the Committee referred to affordable housing as one of the only ways that young people could remain in expensive villages, but considered it must be controlled by policies which were clear regarding surveys being up to date. There was no

evidence to support the statement that a Registered Social Landlord was involved. There was a view that this was a sensitive site and the proposal would be an intrusion into the AONB. There was no policy for open market housing and several of these units were more like market housing. The Committee had looked at this very carefully because the application was important, but on balance there appeared to be support for the officer recommendation.

*RESOLVED* (UNANIMOUSLY) that the application be refused for reasons set out in the report, with the correction in Reason 1 – PPG3 to read PPS3.

#### **44. 110023 Land to west of 21 Regent Street, Rowhedge, CO5 7EA**

The Committee considered an application for a proposed new dwelling on land adjacent to 21 Regent Street. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

A member of the Committee drew attention to the map in the agenda which appeared to be incorrect. Reference was also made to the objection from Essex Highway Authority which reinforced the basis of a refusal on the grounds of the lack of off street parking, with the likelihood of getting two off street parking spaces for both properties.

The planning officer explained that the current proposal was different from the earlier scheme in that there was no side wing, thus enabling two off street parking spaces adjacent to the dwelling. Although the spaces were slightly smaller than the ideal recommended size, the adopted guidance does permit a reduction in the size of parking spaces. The omission of the side wing also removed any negative impact on light to the Methodist Chapel. Attention was drawn to the fact that the Committee were not able to make any improvement to the off street parking provision for no. 21 Regent Street as that property was outside the red line, and in any case it would be unreasonable to repeatedly request further changes each time a revised application came to the Committee.

*RESOLVED* (ONE voted AGAINST) that –

(a) Consideration of the application be deferred for completion of a Section 106 Agreement 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 Section 106 Agreement, 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.

#### **45. 100442 Land adjoining 12 Mill Road, West Mersea**

The Committee considered an application for a proposed two storey private dwelling. 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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to an error in the report which indicated that visitors could park on Mill Road, however, whereas the double yellow lines were clear from the photographs. Consequently no visitor parking was permitted on the road. There were two parking spaces for both properties and a turning area in front of the new property. She also referred to the report which indicated that the two flank wall windows would require obscure glazing although there was no appropriate condition, and one should be added. She also confirmed that the 45 degree line was satisfied in respect of the neighbour's kitchen window but it failed on the plan form.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 Agreement 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 Section 106 Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report with an extra condition requiring obscure glazed first floor side windows and to be retained as such.

#### **46. 100383 Nos 9, 11, 13, 125, 135, 137 and 139 Albany Gardens, Colchester**

The Committee considered an application for a variation of Condition 56 of planning approval F/COL/02/1306, change of use from B1 to residential use. The Committee had before it a report in which all information was set out.

*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.

**Councillor Ray Gamble (in respect of his membership of the Friends of Colchester Archaeological Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**47. 110751 Former Army Education Building, Le Cateau Road, Colchester**

The Committee considered an application for a change of use from Ministry of Defence to A1, A3, B1 and D1, temporary car parking, access and refuse collection, internal alterations and demolition, new extensions, replacement windows and soffit/fascia and twelve parking spaces. 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.

**Councillor Christopher Arnold (in respect of having been a guest of Mr Hayden at West Mersea Regatta in another capacity) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**48. 102390 Victory Dock, Coast Road, West Mersea, CO5 8LS**

The Committee considered an application for the use of part of an existing winter boat park for the purpose of a public car parking during the summer months for a temporary period ending on 1 November 2014. 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.

Andrew Tyrrell, Development Manager, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. In response to concerns about the Herris fencing, the planning officer confirmed that the waterfront should not be surrounded by a variety of boundary treatments. In her presentation of the application she drew Members attention to page 87 paragraph 10.4 and explained the application must be determined on its planning merits and that any discussions by other Council Services are not relevant to the consideration of or determination of this application.

Mr Hayden addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He had lived and worked on the waterfront, his yacht was stored on the site and he was the Chairman of Mersea Regatta. He referred to the chaos in the summer and they were working with the Town Council to provide parking. When they received the application it appeared that this was an opportunity. There was no intention to put at risk the boat storage yard. He explained that boats leave the yard gradually at the commencement of the season and they would not be not proposing any perimeter fencing. There was no significant information to include in a Heritage Statement. This was the only site on the whole of the waterfront which was able to offer this opportunity to relieve pressure.

Members of the Committee suggested a proportion of the income could be provided to the council towards the management of parking or parking wardens and the relief of

congestion as determined by the emerging parking strategy in conjunction with West Mersea Town Council. There was some concern regarding ropes marking out the parking spaces as they could be a trip hazard or an encouragement to children to use them for improper purposes. There was a suggestion of screening on the eastern boundary to obscure views of the cars, but other members considered it would obscure the views of the boats and in the summer people would not be able to see there was a car park on the site. Some members noticed power points and considered they should they be protected.

The planning officer reiterated the local planning authority's resistance to any permanent screening. A three year temporary permission was proposed which would enable monitoring of this use of the site. The end of the three year period would be the time to consider an income to the council and charges for Pay and Display, but in any case this was not a planning matter. Condition 3 prevented any resurfacing of the car park or demolition, so the ropes should be secured to the ground. The existing hedging along the Coast Road boundary would remain untrimmed. The Development Manager reminded the Committee that contributions had to be directly related to the proposal so the suggestion of seeking monies to relieve pressure elsewhere was not appropriate for a Section 106 agreement. This proposal appeared to be a suitable method of relieving pressure on the roads with no harm caused and no need for mitigation measures.

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

**Councillor Sonia Lewis (in respect of having served on the same school governing body as the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**49. 111275 65 Endsleigh Court, Colchester, CO3 3QS**

The Committee considered an application for a two storey rear extension, a first floor rear extension above the existing single storey structure, a new roof to the garage and associated alterations. 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.

**Councillor Stephen Ford (in respect of having previously expressed an opinion on the application in public) 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.**

**50. Change to a proposed Section 106 Agreement // Former Cooks Shipyard Phase 3, Walter Radcliffe Way, Wivenhoe**

The Head of Environmental and Protective Services submitted a report on proposed changes to a Section 106 Agreement for Phase 3 of the development on the former Cooks Shipyard site. The changes related to the provision of affordable housing, the dingy park/car park and the commercial building. The Committee had before it a report in which all information was set out.

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

Daryl Williamson, Chairman of the Queens Road Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had understood that a modification had been submitted in conjunction with a change of access to the site but having seen the report he had no comments to make.

A Member of the Committee queried the provision of hedging along the waterfront which would block the view of the river. In respect of the suggestion that a financial contribution was being required to provide social housing off site, it was queried whether the local planning authority should be checking that efforts had been made to find a Registered Social Landlord to enable affordable housing to be provided on this site, and whether a financial contribution would be used to provide such housing in Wivenhoe.

The planning officer explained that the Council's Housing enabling officer would ensure that the application had gone through a proper and detailed process before accepting that a financial contribution would be the most appropriate way forward. In response to a further question regarding whether the affordable housing contribution would be spent in Wivenhoe, the officer explained that she was not aware of any new schemes in Wivenhoe and consequently it was likely that it would be spent elsewhere in the borough. In respect of the hedging, it would be provided to screen a commercial area and would contribute towards an attractive accessible area along the waterfront.

*RESOLVED* (UNANIMOUSLY) that changes to the proposed Section 106 Agreement relating to affordable housing and the provision of commercial floor space be agreed and the relevant clauses as set out in paragraphs 1.2 and 1.3 be incorporated in the Section 106 Agreement to reflect the changes.