

**PLANNING COMMITTEE  
14 MARCH 2013**

*Present :-* Councillor Theresa Higgins\* (Chairman)  
Councillors Nigel Chapman\*, Peter Chillingworth\*,  
Helen Chuah\*, John Elliott\*, Sonia Lewis\*, Cyril Liddy\*,  
Jackie Maclean\*, Jon Manning, Nigel Offen,  
Philip Oxford and Laura Sykes\*

*Substitute Members :-* Councillor Peter Higgins for Councillor Nick Barlow  
Councillor Julie Young for Councillor Stephen Ford

*Also in Attendance :-* Councillor Ray Gamble  
Councillor Martin Goss  
Councillor Paul Smith

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

**101. 121444 Betts UK Ltd, 505 Ipswich Road, Colchester.**

The Committee considered an application for the demolition of existing buildings, remediation and earthworks, construction of new access, bus turning area and junction, as well as a spine road at the former Betts site in Ipswich Road, Colchester. The application also sought outline permission for the erection of up to 128 residential units and a 65 bed care home, with associated works. The application was referred to the Planning Committee because it was a major development and would require the Council to enter into a Section 106 Agreement with the developer. 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.

Mr Bradley Heffer, Principal Planning Officer, Karen Syrett, Spatial Policy Manager and Vincent Pearce, Development Services Manager attended to assist the Committee in its deliberations.

Ms Paula Baker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She suggested that the application be deferred in order to carry out more thorough investigations into the impact of such a development on the sensitive surrounding woodland area. She stated that noise and light pollution from the development would have a negative effect on the surrounding area. She also highlighted that the proposed buffer between the development and the woodland was insufficient.

Ms Kate Turner, from Land Improvement Holdings, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She outlined the benefits arising from the development, such as supply of housing, recycling of a brownfield site and sustainability of the site. It was noted that Natural England had no objections to the development and that consultations had

been carried out, resulting in the removal of the commercial element of the proposal. She explained that the applicants had worked hard to consult with the local community and had endeavoured to address many of the concerns raised by residents, however, she did not consider that there would be undue harm caused by including three storey elements in selective locations.

Councillor Gamble attended and, with the consent of the Chairman, addressed the Committee. He stated that he had been pleased with the consultations that had taken place, but was still concerned regarding the proposed three storey elements being included in the development. He suggested that this would be out of keeping with the local character and had been and would continue to be strongly resisted in the St John's area and the St John's side of Ipswich Road. He remarked that a compromise could be reached if three storey buildings were limited to the interior of the development and restricted from the care home. He encouraged the Committee to refuse or at least defer the application in order to satisfactorily address the concerns regarding three storey developments at this outline stage.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He echoed the opinion of Councillor Gamble regarding work undertaken by the applicant to consult with the local community. He was also, however, concerned at the impact of the proposed three storey properties, suggesting they should not be considered on the Ipswich Road frontage. He was pleased with the introduction of a 20 mph speed limit and cycle ways within the development, but disputed the Environmental Impact Assessment's conclusions that there was no badger activity on the site.

Mr Heffer responded that the principle of the buffer between the Site of Special Scientific Interest (SSSI) and the development had been agreed but the details would be determined at the reserved matters stage. He clarified that no development would take place on the SSSI and that the Tree Protection Report and Tree Survey had been satisfactory. In relation to the issue of three storey housing in the development, he highlighted that serious consideration had been given to the matter and that, in view of the nature of the development, it was not believed certain three storey elements would be incongruous. He also clarified that matters such as the care home and three storey elements would be considered under the reserved matters applications. It was also advised that while Badger activity may take place in Bullock Wood there was no evidence of such activity on the planning application site according to the ecological study that accompanied the planning application.

Members of the Committee commented on the three storey element of the scheme generally as well as the following additional issues:

- The welcome inclusion of a care home on the site, with suggestions that it be designated for dementia care;
- The need for adequate infrastructure to be in place, especially in the form of GP surgeries and nursery schools;
- The design and width of the spine road, providing for the development to be

designated as a 20 mph zone; and

- The use of the spine road to serve additional developments at a late date.

In response to questions raised regarding the location of part of the development within the boundaries of Tendring District Council, both Councils were required to consider the application separately. Neither Colchester nor Tendring Councils had statutorily adopted the Planning Document although the document had been formally accepted as a Planning Brief by the Colchester Borough Council. It was confirmed that no concerns had been made regarding suitable infrastructure and the spine road was not capable of serving significant further development to the north without requiring alteration. It was further suggested by Mr Pearce that future expansion and also loss of open space could be further controlled within the Section 106 Agreement, through requesting the open space to be kept in perpetuity. The application for C2 land use provided flexibility for the developer whilst the final decision would be determined at reserved matters stage.

It was requested by the Committee that reserved matters relating to the potential care home, three storey dwellings and the development frontage be returned to this Committee.

*RESOLVED* (UNANIMOUSLY) that –

(i) Consideration of the application be deferred for completion of the Section 106 Legal Agreement to provide the following:-

- 20% affordable housing provision;
- Open space contribution to £368,045;
- Education contribution of £363,979;
- Street Services contribution of £1,650 for installation and maintenance of one litter bin;
- Business and Enterprise contribution of £37,700 to reflect the loss of employment on the site; and
- Community contribution of £27,000.

(ii) Following the successful completing of the S106 agreement the Head of Environmental and Protective Services be authorised to grant planning permission with conditions and informative as set out in the report and on the Amendment Sheet.

(iii) The reserved matters applications relating to the site frontage, the care home use and the location of the three storey elements be submitted to Committee for determination.

The Committee considered a request for the determination of details required by a condition of planning permission for Northern Approaches Road, Mile End, Colchester. This request had come before the Committee as a result of the scale of the condition proposal. It had also been requested by Councillor Goss to come to this Committee on the grounds of: impact on residential amenity; highway safety; environmental impact and air quality; and impact on veteran oak tree. 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.

Ms Lucy Mondon, Planning Officer, attended to assist the Committee in its deliberations. She updated the Committee regarding the applicant's agreement to the inclusion of signalled pedestrian crossings on the development but that amended plans showing these changes are awaited.

Ms Jean Dickinson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She stated the boundaries of the proposed application were arbitrary and had not been given the proper consideration. She also suggested that the Station Roundabout would be an appropriate pick-up site, which would alleviate congestion. The complex nature of the Northern Approach Road 2 and 3 Junction was highlighted, with attention also being drawn to the inadequate width of the carriageways at this point of the site.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He provided details of a meeting held last year in relation to this development and suggested that many of the residences' concerns had been addressed. These included the fact that the scheme would no longer permit use by taxis or motorcycles, that the park and ride buses would be single decker only and that the fencing and planting in between the development and adjacent residences had been improved. He considered CCTV needed to be fully functional and backed by enforcement. He drew attention to the fact that the park and ride 7am – 7pm hours of operation were considered satisfactory by residents, but felt that users of the facility may find this insufficient. He also questioned the contradictory advice regarding the cutting down of the veteran oak tree and suggested replanting trees of an equivalent value. He welcomed the introduction of signalled pedestrian crossings and voiced his concern regarding the piecemeal approach to the consideration of the interrelated applications.

Ms Mondon responded that no conditions could be put in place relating to operation times or congestion measures, as planning permission had already been granted. She did suggest, however, that other bus companies may choose to use the route in future at different hours although there were currently no such plans.

Mr Liam McKarry, Arboricultural Planning Officer, responded in relation to the veteran oak tree. He stated that, as the tree was situated next to a busy road, it would be inappropriate for it to remain in its current position. He also suggested that requiring an equivalent financial contribution from the developer may be inappropriate, given the

difficulty in ascertaining an equivalent value and that the tree was in any even coming to the end of its life.

Members of the Committee were pleased to see that many of the residents' issues had been addressed within the scheme and noted that the veteran oak was nearing the end of its natural life and had been subjected to significant acts vandalism.

Mr Adam John, Landscape Planning Officer, confirmed that the loss of the oak had been previously anticipated as part of the design of the now adopted public open space in which it stands; this had resulted in the agreement and planting of a replacement feature oak within the open space. This reinforced by the tree planting proposed along the road itself which has been designed to accommodate anticipated climate change, comprising principally native birch trees for early cover and lime trees for long term structure.

*RESOLVED* (UNANIMOUSLY) that –

(i) The details for conditions 4, 7, 14, 17 and 18 be approved as per the recommendation and subject to informatives as set out in the report.

(ii) The details for condition 6, subject to informatives as set out in the report be deferred as per the recommendation and the Amendment Sheet.

(iii) Upon receipt of amended plans showing the signalled pedestrian crossings, the Head of Environmental and Protective Services be authorised to approve condition 6, subject to informatives as set out in the report.

**103. 121780 Chappel & Wakes Colne Station, Station Road, Wakes Colne, Colchester.**

The Committee considered an application for a new restoration shed, pedestrian ramped access, conversion of existing restoration shed to heritage centre and removal of temporary buildings at the East Anglian Railway Museum site at Chappel and Wakes Colne Station, Colchester. The application had been 'called in' to this Committee by Councillor Chillingworth because of concerns relating to Highway safety. 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.

Mr David Whybrow, Principle Planning Officer, attended to assist the Committee in its deliberations.

Ms Stella Hounslow addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She highlighted her concerns regarding the impact of the proposal on the local community and traffic on the road. She was concerned about the impact of the event days and their relationship with the main use of the site and suggested that parking should be limited

to 200 spaces. She stated that the development was car-dependent and unsustainable. She further suggested that the development was not on a small scale and needed greater consideration.

Mr Ian Reed, Trustee of the East Anglian Railway Museum, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He noted that the Museum was nationally recognised and currently raised 80% of its funding through special events. The trust's goal was to increase the income generated from the core elements of the museum and, as such, was applying for the replacement of existing structures which would also improve segregation and security of the site.

Mr Whybrow responded that this development was considered to be an organic growth of the Museum, rather than a sharp increase in activity. He stated that this was a small scale application, namely regarding the relocation and replacement of existing temporary structures. Therefore some of these issues fell outside the scope of the permission being sought.

Members of the Committee discussed the importance of the site locally and nationally. It was highlighted by several Members that the proposal would not fundamentally change the site itself and the problems associated with inadequate pedestrian facilities along Station Road was an issue which needed to be resolved whether or not the existing scheme was approved. It was further explained that the Parish Council was seeking to work with the Highway Authority to secure adequate traffic calming measures for Station Road.

*RESOLVED* (UNANIMOUSLY) that –

- (i) The application be approved as per recommendation subject to conditions and informatives as set out in the report.
- (ii) Essex Highway Authority be informed separately (by the Planning Officer) of the Committee's concern regarding the general safety of Station Road and of the Committee's view that traffic calming measures proposed by Wakes Colne Parish Council should be given priority by Essex County Council to enable a scheme to be implemented as soon as possible.

**104. Endorsement to proposed amendments to S106 Agreement for development at Brook Street, Colchester.**

**Councillor J Young (in respect of her spouse's Chairmanship of the Board of Colne Housing Society) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Head of Strategic Policy and Regeneration submitted a report which sought the Committee's approval to provide significant additional affordable housing on a site in Brook Street, Colchester. Such approval would require changes to the existing Section 106 Agreement and the signing of a new Agreement which would bring

forward the equivalent amount of affordable housing obligation from a future site. The Committee had before it a report in which all information was set out.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations.

Members of the Committee noted that a request had been made for the provision of a Tenancy Support Officer and a playground on the site. Reference was also made to the need for policies to address the issue of housing for elderly persons. It was explained that the affordable housing on the site would be with affordable rent at 80% of the market rent. The development was considered to be an innovative approach to progress a site which had become stalled for some time.

*RESOLVED* (UNANIMOUSLY) that –

(i) The proposal to provide significant additional affordable housing on a site in Brook Street be endorsed, necessitating changes to the existing Legal Agreement under Section 106 of the Town and Country Planning Act 1990 and the signing of a new agreement to bring forward an equivalent amount of affordable housing obligation from a future site.

(ii) The sites where affordable housing credit may be used include Rowhedge Port, Stanway Growth Area and / or any other site the Council considers appropriate.

#### **105. Request to agree amended drawing numbers for Williams & Griffin Redevelopment Proposal within Planning Application 121902.**

The Head of Environmental and Protective Services submitted a report requesting that the Committee agree that previously approved drawings for this application be superseded and added to with new drawing numbers that show the reposition of plant equipment on the roof of Williams and Griffin. This decision would ensure that the revised arrangements could be incorporated into the existing application and the proposed Section 106 Agreement prior to the formal issue of the planning approval. The Committee had before it a report in which all information was set out.

Andrew Tyrrell, Planning Manager, attended to assist the Committee in its deliberations.

*RESOLVED* (UNANIMOUSLY) That the previously approved drawings for 121902 be superseded and new drawings approved that show the repositioning of plant equipment on the roof of Williams and Griffin.