

**PLANNING COMMITTEE
20 OCTOBER 2011**

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

Substitute Member :- Councillor Barrie Cook for Councillor Peter Higgins*

Also in Attendance :- Councillor Christopher Garnett
Councillor Dave Harris
Councillor Pauline Hazell
Councillor Michael Lilley
Councillor Kim Naish

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

72. Minutes

The minutes of the meetings held on 8 September 2011 and 22 September 2011 were confirmed as a correct record, subject to the following paragraph being inserted as the first paragraph of minute no. 51 of the meeting held on 8 September 2011:-

"The Liberal Democrat members of the Planning Committee had been sent a letter by Bob Russell, Liberal Democrat, MP regarding the Jumbo Water Tower. On their behalf and at this meeting of the Planning Committee, the Chairman, Councillor Gamble, sought advice from the Committee Officer about whether the Liberal Democrats members of the Planning Committee should declare an interest in respect of having received the letter. Councillor Gamble was advised that there was no need for any Liberal Democrat member of the Planning Committee to declare such an interest in this item."

73. 111302 Colchester United Football Club Site, Layer Road, Colchester, CO2 7JJ

The Committee considered an application for the demolition of the former Colchester United Football Club buildings and construction of fifty-eight dwellings together with garages, car ports and including a new road and landscaping. The Committee had before it a report in which all information was set out, see also 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.

Mark Russell, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Beryl Cox addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She was personally concerned that the 100 years history of the site as a football club should be preserved for the fans and she was aware that a statue was to be erected on the site and also that there would be a memorial garden for those fans who have had their ashes scattered on the pitch. Layer Road and Colchester United had been an important part of her father's life and it was important that the fans should be remembered appropriately.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee. Her main concerns were parking, a means of crossing Layer Road and the boundary treatment for Wavell Road residents. She asked that the number of dwelling units on the site be reduced so that more parking spaces could be included within the development instead of residents having to utilise Layer Road for parking. She also believed that a zebra crossing in Layer Road was necessary and should be flagged up with the Highway Authority because elderly people would find it difficult to cross such a wide road. Finally, she referred to a request from those residents in Wavell Road whose properties abut the site for a substantial brick wall for the boundary treatment.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. His main concerns were parking provision, the width of the roads and waste bins. He had measured the width of roads at 15 feet which was barely sufficient for two cars to pass and in such roads people would park on the kerb. A minimum standard road width would prevent cars from being parked on the kerbs. Where there are portal entrances to parking areas, they should be wide enough to accommodate large vehicles. He supported the measures to record the legacy of the football club and the memorial garden, but was concerned that consideration should be given to the provision of waste/dog bins at an early stage.

The planning officer explained that there had been a number of changes and this application had been a challenge to get to this point. He referred to the parking provision being deficient by 8.5 spaces but did not believe a reduction in the number of plots and making roads wider would necessarily produce a better scheme. The width of roads within the development had been endorsed by the Highway Authority. In respect of the boundary treatment for Wavell Road residents, he confirmed that where it was a garden to garden boundary it would normally be a wooden fence, however, there may be a need to build a retaining wall in this location in which case something other than a fence would be required. He suggested that the condition regarding the memorial could be worded more tightly. Waste bins would be adopted by the Council and they would come on line at a later stage. The Highway Authority had seen the amended scheme with which they were content and there was no reason to believe why it would not work.

Members of the Committee were particularly concerned that the provision of parking spaces did not meet the council's recently adopted standards. Some members accepted that the shortage was not very great, but others were disappointed. Whether there was any provision for disabled parking, particularly for the bungalows, was also mentioned. There was also some disappointment that some of the garden sizes were below the standard and some members considered that if there was one or two fewer dwellings it would be possible to meet the parking and garden size standards.

There was some discussion regarding the public open space and whether it would be possible to surround it with iron railings, partly to prevent vehicles from encroaching on the space. There was considerable support for a play area for children within the open space, but the planning officer highlighted that the scheme was not of sufficient size to generate funds to provide such a play area. He suggested that one could be requested for further consideration by the council in the future or alternatively it might be possible to hold the request until such time as monies become available to install play equipment. It was noted that there was a play area for children nearby on the other side of Layer Road, and members suggested that the Highway Authority be requested to provide a crossing. Members supported the provision of a central feature such as the statue of a footballer; the design of which could be chosen by the committee, Colchester United Football Club and/or the involvement of the public. There was mention of some illumination of the statue which the planning officer considered could be conditioned if required. Members also referred to the memorial garden being dedicated to those whose ashes had been scattered on the football pitch, but that it should be a general memorial with no names. Other matters raised were the provision of brick walls for gardens in Wavell Road adjoining the site; waste/dog bins; solar panels and environmental measures; and the removal of double yellow lines in Layer Road. In respect of the latter comment, the planning officer responded that besides the double yellow lines, there were other restrictions along the frontage of Layer Road such as the garaging.

In respect of the open space, the planning officer referred to a generic condition for hard and soft landscaping, but a separate condition could be added to require railings; and in respect of brick walls instead of fences for the gardens affected in Wavell Road, the Planning Service Manager confirmed that the affected boundaries were garden to garden and also referred to the possible need to build a retaining wall along this boundary and in that case it would not be a wooden fence. In respect of disabled parking for bungalows, the planning officer confirmed that the spaces would be adequate for use by those who are disabled.

There was a view that this scheme represented a good mix of housing which was well designed with a good layout and included 35% of affordable housing which was scattered throughout the site. With regard to environmental issues, the dwellings would be built to Code level 3.

The prevailing view however was that the council should be aiming for developers to meet the policies and that if, say, two dwellings were taken out of the scheme it may be that all the policies for parking allocation and garden sizes could be met.

In terms of a crossing, the Highway Authority had not flagged up the need for a crossing but the Planning Service Manager considered it might be possible to instruct the Highway Authority to review the need for a safe crossing to the existing play area. He suggested that, in the light of concerns expressed regarding the parking provision and garden sizes, consideration of the application should be deferred to explore whether any improvement on parking and garden sizes could be negotiated. Members opposed any reduction in the open space provision to satisfy the parking and garden size policies.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for re-negotiation on the following matters:

- Reduction in the number of units proposed in order to ensure that parking provision and private amenity areas are in accordance with Council's standards;
- Essex County Council be requested to provide a further opinion on the provision of a pedestrian crossing on Layer Road;
- Provision of railings around the proposed area of open space;
- Negotiations to take place with regard to the feature within the open space (possible statue and Memorial Garden).

The application to come back to Committee.

Councillor Jackie Maclean (in respect of the pipeline taking a route across her farm) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

74. 111538 Land from Wormingford to Abberton including Abberton Reservoir, Abberton Reservoir Scheme, Peldon Road, Abberton

The Committee considered an application for a variation of Condition 62 of permission 080194, to allow use of Broad Meadows as access for a temporary period until 30 April 2012. Use will be for light goods vehicles (up to 60 movements per day), 8 wheel delivery trucks of 30 ton GVN, (20 movements per day for two weeks at the end of October 2011) and concrete deliveries of 20 ton GVN (up to 6 movements per day, once per week between the end of October 2011 until January 2012. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He had called the application in because he believed there should be mitigation measures in place for the proposal to operate safely and with the minimum disruption. He had reported lorries being driven without covers and ideally he had wanted the company to speak to the driver. There were several schools along this route and he wanted lorry movements to avoid schools at their peak periods, such as at school starting and finishing times. He asked that a survey be undertaken.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee regarding the number of movements and the sizes of lorries. She referred to the Langenhoe School. She asked for a temporary speed limit along the road into Broad Meadows which was narrow, hilly and winding but had a straight stretch which caused her some concern about large lorries and speeding traffic. She had understood that the perimeter road of the reservoir would be used for this traffic and she asked for clarification on the need for the route.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. He referred to public safety in the context of vehicles speeding on the stretch from Berechurch Hall Road to the Langenhoe Lion public house and to the pedestrian crossing near the school.

Councillor Naish attended and, with the consent of the Chairman, addressed the Committee. He could not understand the reason for the variation and believed that the reason given in paragraph 13.5 of the report was a red herring. The extraction company had equipment at the reservoir which could reinforce the existing track. Lorries would pass a number of well used junctions and he suggested they if they used Bounstead Road and turned left into Berechurch Hall Road at The Maypole public house, they would pass only two junctions. He believed there was no reason for any variation because they could continue to use the existing route.

The planning officer explained that it was important to emphasise that 60 lorry movements was 30 lorry movements in and 30 movements out. In respect of the 20 ton vehicle it would be three lorry movements in and three out once per week for three months. The concerns raised about the missing covers and avoiding peak school times, were controllable by condition. It was not possible to impose a condition for a survey or for an inspection of the highway, neither was it possible for the developer to do it. The Highway Authority would not support a 30mph limit along stretches where the national speed limit currently applied. He confirmed that this proposal was the most effective way of getting materials into the site to get the work done quickly in a small window during inclement weather. All the traffic to date had used the route through Layer de la Haye; there was a school along that route and the construction vehicles had adhered to the condition not to travel at peak school times. He made reference to the Liaison Group where any problems could be raised and discussed. It was understood that the relationship with the developer was good and any issues could be resolved.

There was a suggestion that the times permitted for this traffic be reduced to Monday to Friday only and no movement between 8am and 9.30am and again between 2pm and 4pm to avoid peak school times, but during the time this variation would be operational there were some school holiday periods and a blanket ban between the hours suggested could lengthen the time it would take to complete the task. Members in wards affected by the works were aware that the operators were working to a high standard and that they kept the route clear.

The Planning Service Manager explained that this was the largest civil engineering project in the country and had caused no complaints to the planning service. As part of the Section 106 Agreement there was a community fund which made provision for any property along the new route to claim against a fund of £¾ million for any eventuality. The restriction on deliveries worked well and in any case construction vehicles were at liberty to use the B road to West Mersea. The Planning Service Manager would be willing to arrange for a meeting between the developer, the consultants, the contractors and visiting ward councillors. It was confirmed that there would be signs to notify road users along the revised route and that there was a Code of Construction Practice that covered wheel washing.

RESOLVED (ONE ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report.

Councillor Christopher Arnold, Councillor Peter Chillingworth, Councillor Christopher Garnett, Councillor Pauline Hazell, Councillor John Elliott, Councillor Sonia Lewis and Councillor Jackie Maclean (in respect of the Conservative Group Office being located at East Gores Farm) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

75. 102422 and 102432 Building F and K, East Gores Farm, East Gores Road, Great Tey, CO6 1RZ

The Committee considered planning application 102422 for a change of use of Shed F from redundant agricultural use to B1 office use, and planning application 102432 for a change of use of building K to Business Storage (B8 Storage and Distribution). The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Mark Russell, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Wanda Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was delivering the collective objections against the application from residents. She wanted a condition requiring any further development to be linked to road improvements. B8 use is limited to storage only, not distribution and at no time should that be changed. The hours to be reduced from 7am to 7pm to 8am to 6.30pm and on Saturdays 7am to 7pm was not acceptable. The traffic survey did not represent the true road usage because it was carried out during a quiet period and she wanted it to be carried out by Essex County Council not by the applicant. The survey concluded that this application would have a negligible effect on the area. She referred to eight applications for commercial use. The site was not allocated as a business park and was now at capacity. Part of the lane has protected status. This was not a single business and was contrary to GS2 – Business park in a rural location. This was not a suitable location for such activity and residents feel that it should not be allowed to continue to grow.

William Sunnucks addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This was an application to help the residents of Salmons Lane and East Gores Lane. Over a year ago he obtained permission for the shed to become an office and he was upset because several neighbours were unhappy about it. After the meeting he talked to residents and offered to make it a storage use and to move the existing offices to shed F and residents thought that was sensible. He assured the Committee that the application had been designed to minimise impact. He could not think of any use for the large shed which would have less impact than storage.

The Planning Service Manager referred to it not being possible to add a condition to restrict future proposals until highway works were carried out, and that the Committee was not able to place restrictions on future plans. However, it would be possible to add an informative regarding the concerns about the cumulative impact of any future intensification of use which may cause problems at the junction of the A120 including the expectation that mediation measures would be provided. Farmers were encouraged to diversify and such developments tended to occur. The site was off the beaten track and did not have good public transport. There was a need to restrict the use to storage and not include a distribution use. With respect to the adjustment in hours mentioned by Wanda Smith, the planning officer referred to several permissions on the site having the same hours of use and one permission with no hours of use. It was considered to be difficult to enforce hours of use with different times for the various units within the holding. The main issue was for the Committee to determine was whether or not the hours were appropriate.

Members of the Committee were aware of the traffic problems and of such sites which grow incrementally. It appeared that this application could be the end of such conversions. The applicant had tried to meet some of the objections by using this large building for storage because it would lead to less traffic. They agreed that the whole site should have the same hours of working on the basis that it would last.

RESOLVED (UNANIMOUSLY) that –

- (a) In respect of planning application 102422, the application be approved with conditions and informatives as set out in the report together with an informative noting concerns about any intensification of use.
- (b) In respect of planning application 102432, the application be approved with conditions and informatives as set out in the report together with an informative noting concerns about any intensification of use.

76. 111401 Barrow Hill Farm, East Mersea Road, West Mersea

The Committee considered an application for a new planning permission to replace an extant planning permission F/COL/06/1579 to extend the time limit for implementation of the change of use of the existing barn to residential and including public parking and access to the ancient monument. 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 Section 106 Agreement linking this application to the earlier Section 106 Agreement for F/COL/06/1579.
- (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.

77. Reporting of Injunction Action // Land east of Brook Street, Dedham

The Head of Environmental and Protective Services submitted a report on Injunction Action relating to land to the east of Brook Street, Dedham. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Vincent Pearce, Planning Services Manager, attended to assist the Committee in its deliberations. He referred to there being no evidence of a property on this land in 1980, but there may have been a mobile home on this site which was burnt out. Aerial photographs from 2000 and from 2006 show no structures on the land. An aerial photograph in 2009 shows something in position on the site which could be a horse box. He confirmed that the site did not have any authorised use for residential purposes. The site was outside the village envelope and was within the Area of Outstanding Natural Beauty.

Mrs Pryke addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the injunction action. She was local from Dedham and understood what was special about the village. She stood by every word in her statement and believed that the planners were stretching the truth. They wanted to resolve the matter and felt compelled to take this action. She was in contact with the land registry. The various documents had arrived and were being dealt with correctly. She was aware the planning inspectorate had done their best to do things properly. She was very sad and upset to have fallen out with the council.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. He noted the report and its detail. There was an application for some sort of a dwelling in 2009 that seemed to have ceased. It was not until the latest applications when the tents arrived that a repeat position occurred but with a much more aggressive state. The use of the land for domestic purposes was contrary to local and national policies currently in force. Furthermore the use of footpath 18, which was the only means of access to the site for vehicles, endangers walkers and whilst they can cope with a digger to create a cess pit it is a different matter when a 4 x 4 comes down the footpath, which was a danger for bona fide walkers. Those people who are currently living on site had been offered rehousing advice which they had failed to accept. If they had consulted with planning officers much discomfort and upset with the villagers could have been avoided; it had created an unnecessary amount of disquiet among the more peaceful members of the village. Unfortunately the current behaviour indicated that the present occupiers are flouting a court order which is in 7.1. He thanked the officers for the work they have put in.

The Planning Service Manager reported that in terms of residential use the application in 1990 was for a dwelling which was refused. There was no application for a house in 2009, but there was an application for a barn. There was no suggestion they were looking to create a dwelling in 2009.

Members of the Committee confirmed that they were only being asked to note the report. 7

RESOLVED (UNANIMOUSLY) that the report and the injunction action be noted.