

**PLANNING COMMITTEE  
22 AUGUST 2013**

*Present :-* Councillor Theresa Higgins\* (Chairman)  
Councillors Peter Chillingworth\*, Helen Chuah\*,  
Stephen Ford, Cyril Liddy\*, Jackie Maclean,  
Philip Oxford and Laura Sykes\*

*Substitute Members :-* Councillor Mark Cable for Councillor Sonia Lewis  
Councillor Colin Mudie for Councillor Jon Manning

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

**48. Minutes**

The Minutes of the meeting held on 1 August 2013 was confirmed as a correct record.

**49. 131325 - Berryfields Firstsite Development, Queen Street, Colchester**

The Committee considered an application for the change of use of the temporary bus station to a playing field with part removal of shelters while retaining the wall and other elements of street furniture. The application also included extension of the existing playing field, including new earthworks, boundary enclosure and soft landscape works. The Committee had before it a report in which all the 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 Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

*RESOLVED* (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

**50. 130939 - 41 Priory Street, Colchester**

The Committee considered an application for the demolition of the existing works buildings, the change of use from light industrial to residential and the erection of 2 semi-detached houses and 7 apartments. The Committee had before it a report in which all the 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, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Mr. Richard Kirby-Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application.

Mr. Kirby-Taylor said as a resident in the area he did not object to the planning application in principle, but did think there was some issues that needed addressing before the application was approved.

He said there are inconsistencies in the planning process. In 2003 the Council allowed for no more than 5 dwellings on the site, whereas the current application was to approve a development of 9 dwellings.

Mr. Kirby-Taylor raised further issues.

He said the scheme was out of character and scale with the surrounding area.

The laurel bushes to the side of Laurel House, to be retained in perpetuity, a condition of the building of Laurel House, were to be removed as part of the refurbishment of the road.

The new development would severely affect the light amenity to Laurel House.

He added that the parking arrangements in the area, which had worked for many years, will be upset by the new development. He asked that no change was made to the fabric of the current road and that any changes that are made to improve the parking and traffic flow are carried out on the development site.

Mr. Chris Clegg addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application.

Mr. Clegg said he understood that access to the site and parking were the key areas of concern.

Whilst the number of units on the proposed development were considered by some to be high, he said following dialogue between the developers and officers the original proposal for 14 units was reduced to 9 units, and with all traffic leaving the site via Watts Lane.

Mr. Clegg said there was no doubt that the site will be better for this scheme than if it was to revert back to its original use, a light industrial site. The development will provide a more open aspect and a widening at the bottom end of Watts Lane that will improve traffic movement. He added that the Highway Authority considered the one (space) to one (Property) parking ratio to be appropriate.

In conclusion, Mr. Clegg said the site could not remain derelict and believed residential properties was the best use for the site. He clarified the developer's offer regarding Non Standard Condition 14. He said the developer will provide £150.00 per property towards a secure cycle park, plus free bus travel vouchers for 12 months in addition to the condition as agreed with the Highway Authority.

Councillor Nick Barlow attended the meeting and, with the consent of the Chairman, addressed the Committee.

He explained that there was a vagueness about the method of measuring the impact of the development on neighbouring properties, for example, paragraph 15.9 said 'It would appear that these tests (light) are marginally failed to that dwelling', whereas paragraph 15.12 said 'Whilst this is not perfect, it is felt to be reasonably compliant with standards'. He said these statements were worrying.

He said there was still an opportunity to tweak the application to allow more daylight to Laurel House.

Councillor Barlow felt some of the issues regarding highways and parking had not been satisfactorily resolved and needed clarification, especially ownership of Watts Lane and parking rights, that by addressing these issues and toughening up the conditions, it will prevent problems in the future.

Councillor Barlow asked for the decision to be deferred so the issues raised can be addressed and small changes can be made, before the application is resubmitted for approval.

Mr. Whybrow said regarding the impact on neighbouring properties, paragraph 15.8 did state the distance between the flats and Laurel House almost 10 metres, the requirement to comply with the Essex Design Guide.

In respect of vehicle access, the ownership of Watts Lane and parking rights, Mr. Whybrow said these issues will be dealt with as part of the work towards implementing the non-standard conditions noted within the recommendation.

Councillor Chillingworth said the removal of a light industrial site was an improvement for local residents. The site had remained derelict for some time, and given it could be reused for industrial use was a disadvantage to the local residents. He said the design was modern, not to everyone's taste, but was better to many similar developments in Colchester. Councillor Chillingworth said doubt remained over some issues, for example, the ownership of highway land, didn't the owners of this land have some say over the proposals, and could the owner of Laurel House as owner of the boundary laurel hedge be made to remove the hedge.

Councillor Chillingworth said the issues needed to be resolved before the application could be approved and proposed a deferral of the decision.

Councillor Oxford agreed to the proposal for a deferment, and asked if a condition could be added whereby the surface of Watts Lane is brought up to a reasonable standard that ensured safe access for emergency vehicles. Mr. Whybrow said it is the intention that the road will be improved with the provision of a passing bay.

Councillor Sykes agreed to a referral, saying it would provide an opportunity for a realignment of the plans to allow the appropriate distance between Laurel House and

the development.

Councillor Cable agreed that a deferment will provide an opportunity for the plans and conditions to be tweaked, for the issues raised by Councillor Barlow to be addressed. He added that slight revisions will enable a decision to be made that can be endorsed by the whole Committee.

Councillor Mudie agreed to the proposed deferment that will allow the parking and access issues to be addressed. Councillor Mudie agreed with the comments of Councillor Barlow, that too much of the language within the report only suggested 'near enough right'.

Given all the issues raised by the Committee and speakers, Councillor Higgins said on the grounds of a lack of daylight, garden sizes, the number of parking spaces and vehicle access, she would go further than a deferral and propose a refusal. She later added that at similar developments with minimum parking standards parking had become such an issue it had created a complete parking mess in and around the development.

Councillor Liddy agreed with Councillor Higgins, adding that the site was been overdeveloped and the design was poor, inadequate and lacked character.

Mr. Pearce, Development Services Manager said giving all the issues raised he understood that the Committee were moving towards a deferral, and suggested if that was the outcome, it will allow officers the opportunity to address the issues raised and provide greater clarity.

Mr. Pearce advised against a refusal on the basis that all the issues could be clarified and addressed and passed back to the Committee for approval.

Councillor Chillingworth said the Council must make the best use of brown field sites such as this application. He agreed that officers should clarify and address the issues raised and resubmit to the Committee for approval as soon as possible.

*RESOLVED* (FIVE voted FOR, THREE voted AGAINST and TWO Abstentions) that the application was deferred, pending further clarification and addressing of the issues raised, to be re-submitted to the Committee as soon as possible.

## **51. 130996 - Chrysmond Croft, Moor Road, Great Tey**

The Committee considered an application for the erection of the single storey 3-bed dwelling, including a new single garage, widening of the existing vehicular access and provision of a new vehicular access to the existing dwelling. The Committee had before it a report in which all the 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, Principal Planning Officer, attended to assist the Committee in its deliberations.

*RESOLVED* (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

## **52. Completion of S106 Agreement // Application No. 120412 - Local Centre at Butt Road, Colchester**

The Committee considered the report of the Head of Commercial Services which sought the provision of delegated powers to the Head of Commercial Services to complete the section 106 agreement in respect of the proposed scheme of a local centre at Butt Road comprising of a supermarket, 6 retail units, affordable housing and car parking.

Mr Vincent Pearce, Development Services Manager, attended to assist the Committee in its deliberations.

It was explained that setting up the s106 agreement had now been satisfactorily concluded, and the Committee was asked to approve giving delegated powers to The Head of Commercial Services to complete the s106 work in respect of the proposed scheme for a local centre at Butt Road.

*RESOLVED* (UNANIMOUSLY) that the Committee approved giving The Head of Commercial Services delegated powers to complete the s106 agreement in respect of the proposed scheme for a local centre at Butt Road comprising a supermarket, 6 no. retail units, affordable housing and car parking.

## **53. Agreements on Land at Rowhedge Wharf**

The Committee considered the report of the Head of Commercial Services which sought an agreement to a deed of release being prepared and signed by the Council in respect of the provisions of two section 52 agreements and a section 106 agreement.

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

*RESOLVED* (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

## **54. Cooling Off Periods**

Report withdrawn, to be presented to the next Committee meeting.