

Planning Committee

Thursday, 30 March 2017

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Rosalind Scott

Substitutes:

453 Site Visits

Councillors Chuah, Hazell, Higgins, Jarvis, Liddy, Loveland J. Maclean and Scott attended the site visits.

454 Minutes of 16 March 2017

The minutes of the meeting held on 16 March 2017 were confirmed as a correct record.

455 162399 Land south of Cambian Fairview, Boxted Road, Colchester

The Committee considered an application for the erection of 32 dwellings with associated garages/car ports and parking spaces, estate roads, acoustic fence, detention basin, local area of play and landscaped amenity space (subsequently amended to 26 dwellings) at land south of Cambian Fairview, Boxted Road, Colchester. The application had been referred to the Committee because it was a major application, objections had been received and the recommendation was for approval subject to a legal agreement. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Sue Jackson, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations. She explained that an additional representation had been received from a resident of Boxted Road seeking implementation of the parking scheme prior to the occupation of the dwellings. She was of the view that this would not be necessary as the marketing of the site was very likely to be from a show house which would have dedicated car parking.

Robert Johnstone, on behalf of Myland Community Council, addressed the Committee

pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His main concern was in relation to Definitive Footpath 231 Myland and the need to reinstate its connection to Tower Lane and other nearby footpaths, as provided for in a condition attached to a previous application on the site. He was concerned that the condition proposed in relation to the current application provided for a permissive path which he considered was of inferior legal status than a definitive right of way. He also referred to the previous obstruction of the route by the construction of the A12 and his opinion that the connectivity provided by the original route needed to be reinstated by means of formal diversion and creation orders. He made reference to provisions contained in the National Planning Policy Framework which advocated measures to protect and enhance public rights of way.

Ted Gittins, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the application had been the subject of detailed negotiations due to the various constraints on the site including the impact of the A12 and the nearby North Growth Area Urban Extension (NGAUE). He explained that the intention was to provide a green link and a joint pedestrian / cycle link to the NGAUE from the public right of way on site which would be secured by condition and within the Section 106 Agreement. He confirmed that the proposed parking scheme did meet the council's adopted standards and he considered that the 26 dwellings, which had reflected the views of the council's Urban Designer, would provide an attractive mix of properties on the site.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He supported the views expressed by Mr Johnstone regarding the public right of way and the request for the implementation of the parking scheme prior to occupation of the site and also queried the adequacy of the applicant's confirmation that empty ducting would be installed for subsequent fibre broadband provision. He was also concerned about the ongoing maintenance of the public open space on the site and the likelihood that the cost would fall on the residents and questioned why no contributions were being made as part of the Section 106 Agreement towards improvements to roads and North Station.

The Principal Planning Officer explained that there was currently no adopted policy that required the installation of fibre broadband and, as such, the offer of ducting had been welcomed. Other than the provision of a cycle and footway link in perpetuity to be laid out and provide a link to the adjacent site when developed, the Highway Authority had not required any other infrastructure improvements as part of the Section 106 Agreement. A condition was also proposed requiring improvement works to the public right of way on the site. In response to questions from Committee members she also confirmed that the proposed parking provision was in accordance with adopted standards and that this included spaces for visitors.

Some members of the Committee acknowledged the concerns expressed regarding the

legal status of a permissive path and considered the securing of formal footpath creation and diversion orders may provide for a better long term outcome for the rights of way network in the area. Reference was also made to the quality of external materials to be used and concerns regarding the poorer weathering qualities of certain materials.

The Major Development and Projects Manager was of the view that the Section 106 Agreement would adequately provide for the footpath / cycleway link being sought and he explained the constraints on the applicant due the control of the adjacent site resting with a separate landowner. He suggested the Committee could consider requesting Essex County Council to consider including this improvement to the rights of way network in the area as part of its Strategic Aims for the future.

The Principle Planning Officer confirmed that, whilst it would not be reasonable for the Committee to impose a condition specifying a particular type of external material, it would be appropriate to add a note explaining Committee members concerns regarding a more noticeable deterioration of materials and the impact this may have in terms of future maintenance for residents.

RESOLVED (UNANIMOUSLY) that –

(i) The Head of Commercial Services be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet, together with an informative referring to the weathering quality of external materials, and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the legal agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for the following:

- Provision of a shared pedestrian cycleway of 3.5m width to link into the adjacent North Growth Area Urban Extension site and a pedestrian link to the adjacent land;
- Open Space Sport and Recreation – 10% on site provision and a contribution of £130,576
- Community Facilities – a contribution of £42,000;
- 20% Affordable Housing – unit mix to reflect the private mix;
- Education – a contribution of £94,942 requested for primary school places;
- Details of the Management Company to be submitted and agreed prior to commencement of development, the Management Company to be responsible for the access road and all other areas not to be adopted or forming private gardens.

(ii) The Head of Commercial Services be requested to contact the appropriate Essex County Council Officer with responsibility for Public Rights of Way in order to confirm the route of the definitive public right of way on the application site and asking that consideration be given to securing definitive status for the proposed permissive path.

Councillor Barton (by reason of her attendance at the golf club on social occasions) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Chuah (by reason of her attendance at the golf club on social occasions) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Jarvis (by reason of his residence on Baker's Lane) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Scott (by reason of her membership of Lexden Wood Golf Club) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the addition of an adventure golf course and car parking within the existing golf course land at Playgolf Colchester Ltd, Lexden Wood Golf Club, Bakers Lane, Colchester. The application had been referred to the Committee because it was a major application and objections had been received. 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 proposals upon the locality and the suitability of the proposals for the site.

James Ryan, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. In response to a question from a member of the Committee about the impact of construction traffic on the already poor condition of the road surface along Baker's Lane, he explained that this matter had not been raised as a concern by Essex County Council, as the responsible Highway Authority, and as such could not reasonably be considered by the Committee as part of their determination of the application.

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