

Planning Committee

Thursday, 14 July 2016

- Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Pauline Hazell (Group Spokesperson), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Member)
- Substitutes:** No substitutes were recorded at the meeting

347 Site Visits

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

348 Minutes

There were no minutes for confirmation at the meeting.

349 143715 B and Q Warehouse, Lightship Way, Colchester

Councillor Higgins (in respect of her spouse's employment by the University of Essex) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the use of premises as a retail food store with external alterations, installation of a GOL facility, colleague area, two concessions and domestic area at ground level and a cafe at mezzanine level, the removal of the existing garden centre and builders' yard, provision of cycle parking, recycling facilities and reconfiguration of the customer car park at B and Q, Lightship Way, Colchester. The application had been deferred by the Committee at the meeting on 4 February 2016 when it was resolved to grant permission subject to an agreement under Section 106 of the Town and Country Planning Act. 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.

The report set out revisions to the heads of terms of the Section 106 agreement following

representations from the applicants entailing the removal of a proposed contribution towards upgrading the pedestrian rail bridge for shared cycle use at the south east end of Lightship Way which provided pedestrian access to the university. This contribution was not considered to comply with the relevant tests under the Community Infrastructure Levy Regulations ('the CIL tests'). The applicants had agreed to increase their contribution to extend the bus service from £50,000 to £91,000 and the costs of the highway improvements proposed to Greenstead roundabout under Section 278 of the Highways Act had increased to £863,000.

Vincent Pearce, Planning Projects Specialist, presented the report and, together with Paul Wilkinson, Transportation Policy Manager, assisted the Committee in its deliberations. The Planning Projects Specialist reported that a further representation had been received from Peter Kay on behalf of Colchester Bus Users Support Group (C-BUS) who considered that the financial contribution of £91,000 to improve the evening coverage of bus services should not be applied to that part of route 61 which served Highwoods but instead directed to that part of the route 61 linking the Town Centre and Wivenhoe, via the application site.

Sean McGrath of Indigo Planning 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 referred back to the Committee because the proposed financial contribution to provide shared cycle access across the railway bridge had been determined by the Council's legal advisers to not meet the tests for when Section 106 Agreements could be applied to a development. He went on to confirm that the site was very accessible in any event as it was on a bus route, included a Green Travel Plan, CCTV coverage as well considerable highway mitigation measures. The application was strongly supported by local people and would bring 150 new jobs to the area. He also confirmed that the applicants were committed to recruiting local people.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. She was concerned that an opportunity to improve cycle access to the University would be missed and was also in agreement with the views reported by Peter Kay on behalf of C-BUS. She explained that the Greenstead community had the lowest level of car ownership in the Borough but was of the view that no attempts were being made to improve links from Greenstead to the application site. She supported the view that improvements were not required to bus routes serving Highwoods and reiterated the fact that changes had been made to the local bus services since the application had last been considered by the Committee. She strongly urged the Committee members to reconsider the recommendations set out in the report in order to provide financial support for enhancements to links with the Greenstead community thus enabling local Greenstead residents to benefit from future job opportunities.

The Transportation Policy Manager confirmed that legal advice had revealed that it was not possible to deliver cycle access over the railway bridge by means of the financial

contributions from this development. He further explained that although bus route 61 was a commercially viable route, the service did not run later than 7:30pm.

Members of the Committee voiced their regret that the University had not offered more tangible support for the shared access proposals for the railway bridge and were of the view that encouragement should be given to future discussions between the two parties on this issue. Support was expressed in relation to a more flexible approach to improvements in the 61 and 64 bus services in order to address accessibility issues to and from the application site and Greenstead and Wivenhoe. Reference was also made to that part of the draft new Local Plan regarding improvements to the railway bridge and the need for the proposed phrasing to be more definite.

The Planning Projects Specialist acknowledged the views expressed regarding the levels of deprivation in the local area and confirmed that it would be in order for the Council to seek the co-operation of the applicant to utilise the financial contributions more flexibly to address this particular matter more positively.

RESOLVED (NINE voted FOR and ONE ABSTAINED) that, subject to further discussions to satisfactorily secure a more flexible distribution of the financial contribution between bus routes 61 and 64, the Head of Commercial Services be authorised to seek the package of contributions in mitigation of the impacts of the scheme and to improve accessibility in accordance with paragraph 16.3 of the report and in the amendment sheet, and in the event that the applicants are uncooperative within a two month period thereafter the application referred back to the committee for further consideration and, if the package of contributions is agreed then the Head of Commercial Services be authorised to approve the planning application 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 complete the agreement to provide the following:

- (a) Provision of improvements to bus routes 61 and 64, as appropriate, including an expansion into the late evening of that part of route 61 linking the Town Centre and Wivenhoe, via the application site but not including that part of the route between the Town centre and Highwoods (to a total budget of £91,203);
- (b) Provision and maintenance of two operational CCTV cameras on Lightship Way frontage with connectivity to the Council's CCTV network, the developer to meet any associated connection charges;
- (c) Review and monitoring costs for Travel Plan (£3k fee to Essex County Council);
- (d) Implementation of recruitment and training initiative to improve opportunities for the local unemployed.

and on completion of the legal agreement, the Head of Commercial Services be

authorised to grant planning permission subject to the following conditions set out in the report.

350 160920 248 Mill Road, Colchester

Councillor Liddy (in respect of his acquaintance with the objector to the application in a former professional capacity) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Chuah (in respect of her acquaintance with the objector to the application in a former professional capacity) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of an existing house, garage and outbuilding, erection of two semi-detached and one detached two storey house at 248 Mill Road, Colchester. The application had been referred to the Committee because Councillor Goss had called it in. 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.

Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations. The Planning Officer reported that the Highway Authority had confirmed its acceptance of the reduced width of the proposed car ports subject to a condition providing for them to not be enclosed or have doors fitted thus preventing their use as parking spaces.

Louisa White addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained that she was a resident of Thomas Wakley Close and was concerned that recent developments were leading to the area becoming much more densely developed than had previously been the case. She considered the proposal to be contrary to the Council's policy on back land development and voiced her concerns regarding the demolition of the existing house which had historic significance as it had originally been the home of Thomas Wakley. She considered the proposals were not reasonable for existing residents in the area and was concerned about potential surface water and parking problems in the future.

Michael Edwards addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposed new dwellings would be in keeping with the existing dwellings in Mill Road and Thomas Wakley Close. The proposed gardens and parking provision each exceeded the Council's approved standards. The site had two existing accesses which would be re-used and/or slightly re-aligned. He considered the proposal to remove the existing boundary wall would be an improvement for existing neighbours. He confirmed that

negotiations had been conducted with the case officer prior to submission of the application which had also included agreement to the removal of permitted development rights.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He explained that the proposal was the resubmission of an application which had previously been withdrawn. He had concerns about the existing levels of congestion in Mill Road and was of the view that the proposals were likely to make this situation worse. He was aware of proposals which Essex County Council were due to publish to bring traffic calming measures to Mill Road which would involve a reduction in the width of the highway. He also referred to problems likely to be caused by vehicles during the construction phase of the development and the contravention of the Council's back land development policy.

Councillor Graham attended and, with the consent of the Chairman, addressed the Committee. He confirmed his support for the views expressed by Councillor Goss.

The Planning Officer explained that he was aware of the traffic calming measures proposed for the future. He confirmed that the Highway Authority had accepted the proposed parking provision, subject to an amended condition in relation to the enclosure of car ports and that the proposed gardens met the required standard. He referred to the site's corner location which did not create a negative impact in terms of back land development. He also confirmed that, although the existing house may have some historical significance, it did not have Listed Building status and was not located in a Conservation area and, as such, there were no grounds to seek retention of the dwelling.

Members of the Committee generally considered the site to be adequate to accommodate three houses and were of the view that there would be no significant impact on traffic congestion issues.

RESOLVED (SEVEN voted FOR, ONE ABSTAINED and TWO voted AGAINST) that the application be approved subject to the conditions set out in the report, as amended by the deletion of Condition 8 and its replacement with a condition requiring no car port to be gated, have doors installed or be otherwise enclosed such that its permanent availability to park a car was maintained.

351 161291 Sheepen Road, Colchester

The Committee considered an application for a printed site hoarding at Sheepen Road, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report in which all the information was set out.

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

352 160969 78 Villa Road, Stanway, CO3 0RN

The Committee considered an application for the demolition of an existing bungalow and its replacement with a three bedroom dwelling at 78 Villa Road, Stanway. The application had been referred to the Committee because it had been called in by Councillor L. Scott-Boutell. 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.

Jane Seeley, Planning Officer, presented the report and, together with Vincent Pearce, Planning Projects Specialist, and James Ryan, Principal Planning Officer, assisted the Committee in its deliberations.

Paul Mendes addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained he was the owner of the neighbouring property at No 80 Villa Road and that the application was the third to be submitted for this site since 2014. He accepted the principle of the development of the site but had considerable concerns about the proximity of the single storey building to the boundary of his property. He was concerned about his ability to maintain his property and considered that any guttering should not be allowed to extend over the boundary. He was also of the view that any construction should be undertaken from within the curtilage of the application site and that improvements to the design of the proposal should be sought to overcome issues which he considered to be unreasonable.

Joseph Greenhow addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that, as a result of comments expressed by neighbours the scale of the proposal had been considerably reduced. As such the bulk of the proposed dwelling now closely reflected other houses along Villa Road. He was also of the view that the appearance of the garage would not be harmful as it was set back from the main dwelling. He considered the proposal to comply fully with accepted standards and the Essex Design Guide and that there would be no overlooking issues.

Councillor L. Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She referred to the large footprint of the proposed dwelling, together with its excessive width. Although the single storey element would be set back, she considered that the proposed retention of the wooden gates would create an unbroken structural line across the entire site. She referred to the very close proximity of the single storey element to the boundary of No 80 Villa Road and questioned whether, as a result,

the design of the proposal was considered to be satisfactory. She also questioned why the applicant had not been agreeable to any further modification to the proposals to accommodate suggestions made by the case officer.

The Planning Officer explained that Party Wall legislation was the appropriate way to resolve disputes regarding developments close to property boundaries and she confirmed that, notwithstanding the width of the garage, parking provision for the development was met by means of the area available to the front of the dwelling.

Members of the Committee voiced their concerns regarding the close proximity of the development to the neighbouring boundary. They considered the proposals were excessively bulky, had an overbearing impact on the neighbouring property as well as an adverse impact on the outlook of the neighbouring property.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds of the application's overbearing impact on No 80 Villa Road, the application's adverse impact on the outlook to No 80 Villa Road and the excessive bulk of the proposal.

353 161159 12 Hobbs Drive, Boxted, Colchester

The Committee considered an application for a single storey front extension at 12 Hobbs Drive, Boxted, Colchester. The application had been referred to the Committee because the agent was employed by the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

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