

Planning Committee

Thursday, 01 October 2015

Attendees: Councillor Jackie Maclean (Member), Councillor Helen Chuah (Member), Councillor Jon Manning (Chairman), Councillor Laura Sykes (Group Spokesperson), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jessica Scott-Boutell (Deputy Chairman), Councillor Patricia Moore (Member), Councillor Rosalind Scott (Group Spokesperson), Councillor Jo Hayes (Member)

Substitutes: Councillor Marcus Harrington (for Councillor Peter Chillingworth)

210 Site Visits

The following members attended the formal site visits: Councillors Chuah, Hayes, Hazell, Jarvis, Moore, Manning, Scott-Boutell and Sykes.

211 Minutes of 27 August 2015

The minutes of the meeting held on 27 August 2015 were confirmed as a correct record.

212 151235 Cosway Caravan Park, Fen Lane, East Mersea

The Committee considered an application for the removal of condition 02 of planning permission 132270 in order to allow the extended season to apply without time limitation at on land at Cosway Caravan Park, Fen Lane, East Mersea. 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.

RESOLVED (ELEVEN voted FOR and ONE ABSTAINED) that the planning application be approved subject to the conditions set out in the report.

213 151401 Severalls Hospital, Boxted Road, Colchester

Councillor Chuah (in respect of her former employment at the Hospital and her attendance during her Mayoral Year at the opening of the St Aubyn's Centre) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the removal/variation of conditions 1, 3a, 4,

6, 7, 9 15, 19, 24, 29, 36 and 46 to 55, of planning permission 131221 at Severalls Hospital, Boxted Road, Colchester. The application had been referred to the Committee because it included proposed amendments to a Section 106 Agreement that fell outside of the scheme of delegation and constituted a major application where a limited part objection had been received. The Committee had before it a report in which all the information was set out.

Vincent Pearce, Planning Projects Specialist, presented the report and assisted the Committee in its deliberations. He referred to an information sheet which had been provided to the Committee providing the full wording of the relevant conditions with recommended amendments (including removals) in order to provide the full context for the Committee. He confirmed that he considered that the proposals before the Committee were the best that could currently be secured whilst they also accorded with the Council's corporate priorities, particularly bearing in mind that the Government had indicated that the delivery of Affordable Housing was likely to change in the future.

Members of the Committee voiced concerns regarding the reduced size of the proposed Community Building and whether sufficient places had been allocated in relation to the proposed school provision. Reference was also made to the need for maintenance provision for the open space and woodland areas and the criteria used to determine the location of the area to be allocated to the Council for Affordable Housing provision.

In response to particular questions the Planning Projects Specialist explained that sufficient land had been secured for the Community Building to accommodate an extension at a later date, if this was deemed necessary whilst Essex County Council had made provision for the forward funding for a 240 space primary school and additional primary school provision was available as part of the Northern Growth Area. The open space and woodland area was required to be provided in accordance with the Council's maintenance standards whilst the area to be allocated for Affordable Housing was located at the heart of the development. He also confirmed that Myland Community Council had been closely involved in the negotiations regarding the site and were therefore fully aware of the need to proceed on the basis proposed in the report.

RESOLVED (UNANIMOUSLY) that the Head of Commercial Services be authorised to issue planning permission under the reference 151401, subject to the same conditions as planning permission reference 131221 subject to the amended / removed conditions as set out in Figure 7 of the report and provided that:

- (i) The interested parties first sign the amended Section 106 Agreement, the key components of which as set out in the report, which may, in the opinion of the Head of Commercial Services, need further adjustment to facilitate completion, and including the transfer of the Mixed Use Area land to the Council and
- (ii) Further amendments do not reduce the overall proportion of affordable rented units below 15% of the total within Phase 2 of the site.

214 151331 Eld Lane Square, Colchester

The Committee considered an application for the erection of a café unit (Use Class A3) together with ancillary external seating area, public realm enhancements and ancillary services, including removal of two trees at Eld Lane Square, Colchester. The application had been referred to the Committee because a significant number of objections had been received and the application, although not a major one, had attracted some controversy and Councillor Hayes had requested that it be considered by the Committee. The Committee had before it a report and an 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.

Simon Cairns, Major Developments and Projects Manager, presented the report and, assisted the Committee in its deliberations. He explained the close proximity of the church sanctuary south facing window and the concern that, at times of silent prayer, there would be potential for noise disturbance as a result of the introduction of a café. The north facing window to the sanctuary was already required to be closed which would mean there would be poor ventilation in the church. He also referred to the use of the development site area for car parking for church goers and the potential impact this would have as well as the proposed refuse and recycling arrangements for the café. In order to secure adequate mitigation he requested the Committee to restrict the trading hours to 8:00am to 6:00pm on Monday to Saturday and midday to 6:00pm on Sundays. This would enable the existing church services to be conducted without the loss of parking facilities.

James Hancox, on behalf of Lion Walk United Reformed Church addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He explained that

Ian Anderson, on behalf of CBRE, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He referred to the significant advantages of the development which would add vitality to the town centre as well as important public realm enhancements. He also commented on the support received from the Urban Designer for the innovative proposal and confirmed that there would be no primate cooking undertaken at the café and, as such, there would be no significant issues in relation to noise or fumes. He considered the car parking arrangement for the church congregation was a private matter whilst commenting that there was no strong argument to persist with this practice given the close proximity of alternative parking facilities. He confirmed that the fire escape route would not create any conflict for other users whilst the refuse collection arrangements would be agreed with the Planning authority by means of a condition.

Councillor Hayes confirmed that although she had requested the item be considered by the Committee, she had not yet formed a view on the merits of the application.

Some members of the Committee were concerned about the loss of public seating, trees and raised garden area, seeking the provision of replacement benches and trees/landscaping to compensate for this impact. One member of the Committee also referred to the incomplete planning history record for the site in relation to the details of the planning permissions granted when the Square was first developed in the early 1970's. Reference was also made to the loss of an architecturally interesting window to the Baptist church on the eastern boundary of the site and to potential ventilation problems as a result of the aspect of the proposed glazed unit. Some members also supported the Sunday opening hours being amended to exclude operation in the Sunday to avoid any conflict with the church congregations.

Other members of the Committee acknowledged the various concerns raised but were of the view that these could be addressed adequately and there was unlikely to be any disturbance which would prevent the exercise of quiet worship.

In response to specific questions the Major Developments and Projects Manager confirmed there was scope within the Square to accommodate additional seating and planting and the replacement seating, additional landscaping and maintenance could be provided by condition. He explained that no records of the permission granted in 1971 could be found however no legal agreements in relation to the site were in place and the records relating to a permission granted in 1972 which were available indicated no onerous information which would be of material concern in relation to the current application. In addition, the Conservation Officer and the Urban Design Officer had both considered the proposal to be acceptable, whilst issues of ventilation were a matter for Building Control Officers. The Major Developments and Projects Manager considered the proposal would serve to animate the area, making it more attractive for visitors to the town centre whilst providing a significant investment in the public realm. He also confirmed that Environmental protection Officers had raised no concerns in relation to potential disturbance on Sunday mornings and the potential for the existence of archaeological remains below ground on the site had been recognised and addressed by means of a very rigorous condition which had been drafted by the Council's Archaeological Officer. In relation to the church window which would be partly obscured by the development, it was positioned in a later addition wall and was understood to be not greatly used, as such the impact would not be significantly harmful.

RESOLVED (NINE voted FOR and THREE voted AGAINST) that the planning application be approved subject to the conditions set out in the report and the amendment sheet together with additional conditions to require the provision of three replacement benches for public seating in the vicinity and additional landscaping to compensate for the loss of three trees.

215 150702 Homecroft, Chapel Lane, West Bergholt

The item was withdrawn for consideration at a later date.

216 151611 78 Maldon Road, Colchester

The Committee considered an application for the proposed change of use from Class D1 to use class Sui Generis (House in Multiple Occupation with in excess of six residents) with proposed ground floor, single storey extensions to the front and side of the existing property to provide improved internal accommodation, proposed dormer roof extension and new roof lights to provide additional accommodation at second floor and associated external works including cycle store and reinstatement of existing railings at 78 Maldon Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Cope. The Committee had before it a report and an 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.

Chris Harden, Planning Officer, assisted the Committee in its deliberations. He also referred to an extra condition detailing the new access and alterations to the wall.

Ben Cahill addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He thanked the Committee for undertaking a site visit to the application site and for viewing the site from his property next door. He pointed out that revised plans had been submitted by the applicant and was disappointed that these hadn't been forwarded to him as an objector. He considered that the application plans were inconsistent due to changed drawings and he was of the view that the proposed dormer did not comply with the Council's policies on the basis of overlooking issues. He considered that the Planning Officer's report had failed to address the issue daylight amenity. He explained that his property was not currently overlooked and, as such, the negative impact on his property was clear. He also referred to the ground floor windows to the application site, explaining that the rooms which these windows served were not currently occupied whilst this would not be the case following implementation of the proposed development. Finally he stated his concern that the removal of the existing fence to the side of the application site would result in an increase in the traffic noise experienced at his property.

John Ready addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He explained that he had been a landlord since 1996 and had a record of excellent neighbour relations. His current portfolio of houses had a look and feel of family homes, all of which exceeded Local authority guidance of sizes of rooms. He ensured all his tenants were adequately vetted, being typically at least 25 years of age and in work. He was aware that the property was entitled to two resident parking permits or three in exceptional circumstances.. he was excited about the prospects for the development and was looking forward to giving the house a new lease of life.

Councillor Cope attended and, with the consent of the Chairman, addressed the Committee. He explained that he was addressing the Committee in order to support Mr

Cahill. He was doing so on the basis of the potential harm to the street scene and the archway to the existing entrance to the building and was of the view that the development was over development in an already crowded area.. He considered that the introduction of up to 16 residents within the property would lead to a significant increase in noise and he was concerned about the introduction of a dormer window which would create an overlooking issue for the neighbouring property. He was also concerned that the proposed design was inappropriate for a house in multiple occupation, he considered the proposed parking provision to be insufficient and he was of the view that the report should only have been brought to the Committee when the outstanding detail regarding the side access had been resolved.

The Planning Officer explained he was of the view that the potential loss of the archway above the current entrance door did not warrant a recommendation for refusal of the entire application. He considered that replacement of the fence with railings would bring a benefit to the street scene. The creation of a dormer in the roof space did not constitute an overlooking issue as it was possible to apply a condition to ensure the glazing would be obscured and the parking provision had been considered sustainable due to the proximity of the property to the town centre. It had not been considered necessary to notify residents of the revised plans as the detailed changes were in relation to the access to the cycle store area and other issues to address issues identified as of concern to residents.

Simon Cairns, Major Developments and Projects Manager suggested the Committee may consider it appropriate to seek an additional condition requiring the retention of existing timber sash windows.

Members of the Committee considered the provision of high level obscured glazing to the dormer and the retention of brickwork and the archway to the existing entrance to be very important issues, particularly given the building's close proximity to a Conservation Area.

In response to particular questions raised the Planning officer explained that the retention of brickwork was already adequately addressed within proposed Condition 3 and confirmed it would be possible to seek the retention of the arch and sash windows by additional conditions. He explained that the dormer window was of modest size and some distance from the neighbouring property and, as such, was not considered to breach the guidance in relation to loss of light.

RESOLVED (ELEVEN vote FOR and ONE ABSTAINED) that the planning application be approved subject to the conditions set out in the report and the amendment sheet together with a requirement for the glazing to the dormer window being of the highest level of obscuration, Condition 3 to include reference to a new access including levels, alterations to the frontage wall and new gates together with additional conditions to secure the retention of the existing brick arch feature within the single storey side extension and the retention of timber double hung sash windows.