

PLANNING COMMITTEE

24 MAY 2012

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Peter Chillingworth*,
Helen Chuah* (Former Mayor) , John Elliott*,
Stephen Ford, Sonia Lewis, Michael Lilley,
Jackie Maclean, Jon Manning, Nigel Offen and
Laura Sykes*

Substitute Member :- Councillor Will Quince for Councillor Nigel Chapman

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

3. Minutes

The minutes of the meeting held on 26 April 2012 were confirmed as a correct record.

Councillor Theresa Higgins (in respect of her spouse being employed by the University of Essex) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

4. 120151 University of Essex, Wivenhoe Park, Colchester, CO4 3SQ

The Committee considered an application for the construction of a multi-deck car park above an existing surface level car park; the creation of a new access to the car park from Boundary Road to include a taxi drop-off/pick-up area; and the relocation of the existing compactor. 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.

Brad Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Richard Monk addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was disappointed that the parking provision exceeded the limits set out in the Local Development Framework; that a significant number of car parking permits had been issued; and that this application was contrary to the Council's planning policies. He had expected that it would be recommended for refusal. The weight given to the planning policies and the cycling strategy should be substantial. He wanted the Committee to look at a transport assessment with a sequential approach; to adopt a robust travel plan assessment PPG; to complete the Wivenhoe walking and cycling path; to control the demand; and consider new parking measures.

Andrew Nightingale addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to staff that work outside office hours, or need to transport scripts or drop off children; to illustrate that there was no single solution. Planning concerns had been addressed and the scheme was now recommended for approval. He conceded that although the University had gone some way to assist cyclists there was still more that could and would be done. The car park was required to accommodate the existing demand rather than any future expansion. There had been no increase in car parking provision during the last 20 years but there had been a 20% increase in demand. The proposal would be located on an existing surface car park so there would be no additional landtake.

Councillor Julie Young attended and, with the consent of the Chairman, addressed the Committee. She was aware that there had been no additional parking provision alongside earlier applications to extend the University's facilities which had led to students parking on residential roads because there was not enough parking within the University campus. There was no parking at The Meadows and wheel clamping had made the situation worse. The University was taking this step to avoid problems. She referred to the cycle link between Wivenhoe and the University being too expensive, but it appeared that this was a way of getting that cycle link. She urged members to support the application.

Members of the Committee were able to see there was a need for the car park, however, there were issues around the access from Colchester Road into Boundary Road. The concern was that cyclists would need to cross the line of cars moving into Boundary Road. There was a suggestion that the barriers across Boundary Road should be moved to a point between the entrance ways into the two car parks which would permit more traffic to come off the A133 and down towards the campus en route to the car park enabling cyclists to have a reasonable route from Wivenhoe. The initial parking arrangements had been carried out some years ago but with an increase in staff and students there was overspill parking taking place which this proposal would address. There was a concern regarding the travel plan and how it would be reviewed and amended for the future. There were twice the numbers of parking permits as there were spaces.

The planning officer referred to there only being a standard car parking provision for new universities, not for existing universities. Under the Council's adopted parking standards, car parks per se must be considered on their own merits. In response to questions regarding the cycle path the planning officer explained that the detail of the route had been worked up and was in the Local Development Framework. The cycleway would be adjacent to the carriageway not within the carriageway. Revised Condition 6 on the Amendment Sheet stated that the Section 106 monies were to be used to fund the proposed University of Essex to Wivenhoe cycling and walking path and would be set out in a legal agreement. If that was not possible the matter would come back to the Committee. The timescale for the cycle/pedestrian path would be set by Essex County Council. If members preferred, it could be conditioned that the revised travel plan be agreed with the borough council, after consultation with the ward councillors. In respect of landscaping the overspill areas and the green wall, it was suggested an additional condition be imposed to provide details of such landscaping.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a legally-binding agreement to provide for a contribution of £250,000 to be secured that would be used to help fund the proposed University of Essex to Wivenhoe cycling and walking route.

(b) Upon receipt of a satisfactory legally-binding agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet, subject to:-

- Condition 2 being amended to require details of landscaping of the overspill car park areas and the green walling on the car park to be submitted for approval; and
- Condition 6 being amended to require the travel plan to be submitted for approval and to include consideration of the relocation of the barrier on Boundary Road, and details of parking permits to be provided.

(c) In the event that it was not possible to submit a legally-binding document, the application to come back to the Committee.

5. 120531 Stuart Pawsey Court, Stanley Road, Wivenhoe, CO7 9SS

The Committee considered an application for the construction of a timber framed shed for a mobility scooter utilising a car parking space in a private car park. The Committee had before it a report in which all information was set out.

Members of the Committee fully supported the application.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

Councillor Helen Chuah (in respect of being acquainted with the applicant in a professional capacity) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

6. 120243 Fujita, 2 Birch Street, Birch, CO2 0NF

The Committee considered an application for a change of use of land to a garden allotment for growing vegetables, keeping chickens and bee keeping. The Committee had before it a report in which all information was set out.

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

Members of the Committee queried the conditions which appeared to be overly

restrictive, specifically the personal condition as well as a temporary condition; the condition restricting the use of the plot was considered unnecessary; the restriction of planting on the boundary could be relaxed to permit indigenous species; the need to prohibit bonfires was considered unnecessary because there was health and safety legislation to govern bonfires; and the last condition to impose any conditions as may be reasonable could be considered to be unreasonable. Other views were that the growing of fruit and vegetables should be permitted and the garden should be in keeping with a rural garden.

The planning officer agreed to delete the proposed temporary condition, the proposed condition prohibiting bonfires, and the ability to impose any condition considered reasonable. However, he stressed the need to restrict the use of the extended area to what was applied for because the land was outside the village envelope.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, with the exception of the following proposed conditions which were deleted:-

- temporary permission for five years;
- no bonfires permitted; and
- such other conditions as may be reasonable;

all other proposed conditions to be imposed.

7. 120301 Town Hall, High Street, Colchester, CO1 1PJ

The Committee considered an application for an upgrade of the existing emergency lighting system. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be endorsed in accordance with paragraph 8 of Circular 08/2009 "Arrangement for Handling Heritage Applications" and the application be referred to the Secretary of State for approval.

8. 120349 Town Hall, High Street, Colchester, CO1 1PJ

The Committee considered a listed building application for the insertion of a new kitchen extractor hood and extract vent to the kitchen adjacent to the Moot Hall in the Town Hall. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be endorsed in accordance with paragraph 8 of Circular 08/2009 "Arrangement for Handling Heritage Applications" and the application be referred to the Secretary of State for approval.

Councillor Sonia Lewis (in respect of being acquainted with Duncan MacDiarmid through social events) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

9. 120411 Greyfriars, High Street, Colchester, CO1 1UG

The Committee considered an application for a variation of Condition 15, Use of rear terrace, Condition 20, Amended car park layout, Condition 26, Outdoor events, and Condition 27, Use of outside areas, following grant of planning permission 102680. 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, attended to assist the Committee in its deliberations.

Duncan MacDiarmid addressed the Committee on behalf of Greyfriars Court pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He objected to any outdoor events because of the noise which would emanate from an area within 20 metres of Greyfriars Court. The frequency of such events would need to be defined and events monitored. The 31 car parking spaces were inadequate because there were 21 suites, dining for up to 50 people and other non-residents using the facilities and he wanted the additional car parking area to remain.

Zac Ellwood addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The applicant was seeking to vary the wording of four conditions and to restore the garden area, all of which would support the commercial viability of the scheme. The revised hours had been devised in co-operation with a consultant. Outdoor events had been withdrawn but in any case the Council would remain in control of outdoor events. In respect of car parking, there was overflow parking for eight or nine vehicles; 140 off-street spaces in the car park in the applicant's control; and a nearby pay and display car park. He was confident that the number of spaces within the site would be more than enough to meet the needs of the development.

Councillor Bill Frame attended and, with the consent of the Chairman, addressed the Committee. Ward councillors supported the building being brought back into the use but there should be a balance between the needs of the applicant and those of the neighbours. The areas which presented difficulties for the neighbours were parking and outdoor events. In terms of the latter, he wanted the criteria to be defined on whether or not an event was suitable. There was no explanation on what level of noise or what type of activity would be considered acceptable. Finally he requested clarification of the surface material used for the parking area and he wanted hotel guests only to be permitted to park in the designated areas.

Councillor Jo Hayes attended and, with the consent of the Chairman, addressed the

Committee. She considered this application should have been dealt with by an appeal against the conditions. A number of residents in Greyfriars Court were concerned about noise and disturbance and she would prefer that any conditions which reduced noise were retained.

Members of the committee had a number of concerns about what constituted an outdoor event, noise from events and noise leaching out through open doors; whether Environmental Control should be consulted on the need for a license and what the criteria would be. There was some concern at the prospect of the terminal hour on a Sunday being changed to 22.30pm. However, there was a public house nearby and it was not unreasonable to permit both establishments to finish at the same time. In respect of the car park, the surface should not be a source of noise. The applicants were in control of the car park to the east, and the car park could be used for overnight parking for the hotel.

The planning officer referred to the requirement for a license to serve alcohol and to regulations controlling live outdoor music. However, if the operator was to permit an event that was unauthorised Environmental Control would be able to take appropriate measures. He considered that the parking area should have a semi-permanent appearance and the surface material should be bonded or rolled gravel.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for further information from the applicant and Environmental Control in connection with Condition 26 and the type of outdoor events being proposed and whether they would be acceptable.
- (b) There were no outstanding objections to the variation of the following conditions:-
 - Condition 15, as set out on the Amendment Sheet with a terminal hour of 22:30pm on Sundays;
 - Condition 20, as set out on the Amendment Sheet, but subject to the car park surface material not being of a loose material;
 - Condition 27, as set out on the Amendment Sheet.
- (c) The application to be submitted to the Committee for determination of Condition 26.