

Planning Committee

Thursday, 17 August 2017

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford

Substitutes: Councillor John Elliott (for Councillor Pauline Hazell), Councillor Paul Smith (for Councillor Theresa Higgins), Councillor Adam Fox (for Councillor Chris Pearson)

Also Present:

498 Site Visits

Councillors Barton, Chuah, Elliott, Jarvis, Liddy, Loveland and J. Maclean attended the site visits.

499 Minutes of 13 July 2017

The minutes of the meeting held on 13 July 2017 were confirmed as a correct record.

500 Minutes of 27 July 2017

The minutes of the meeting held on 27 July 2017 were confirmed as a correct record.

501 170621 Land off Butt Road, Colchester

Councillor Barton (on the grounds of pre-determination as she had publicly expressed a view on the application) declared an interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

The Committee considered an application for a mixed use development comprising the erection of assisted living extra care (Use Class C2) accommodation for the frail elderly, including communal facilities and car parking and a retail unit (Use Class A1) at Land off Butt Road, Colchester. The application had been referred to the Committee because it was a major application, material objections have been received and a conditional planning permission was recommended subject to a legal agreement. The Committee had before it a report and amendment sheet in which all 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.

RESOLVED (UNANIMOUSLY) that the Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet 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 Assistant Director Policy and Corporate to refuse the application, or otherwise to be authorised to complete the agreement to provide for the following:

- NHS England contribution of £3,795;
- Cycleway contribution of £22,000;
- Open Space Sport and Recreation – enhancements to the local environment and seating and appropriate planting to the treed area on the corner of the site is recommended;
- Highway Authority request the following mitigation:
 - (a) Upgrading of the two bus stops in Butt Road adjacent to the proposal site to include, but may not be limited to, real time passenger information,
 - (b) A zebra crossing in Goojerat Road, east of the proposal site access roundabout,
 - (c) If 50 or more employees, a travel plan to include, but shall not be limited to, a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the travel plan.

502 171137 Mersea Island Holiday Park, Fen Lane, East Mersea, Colchester

The Committee considered an application for the regularisation of three lighting columns and three bollard lights at Mersea Island Holiday Park, Fen Lane, East Mersea Colchester. The application had been referred to the Committee because it has been called in by Councillor Moore. The Committee had before it a report in which all 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, presented the report and assisted the Committee in its deliberations. Two additional letters of objection had been received and he gave details of their contents.

Jeff Mason, on behalf of East Mersea Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He acknowledged the need for lighting for security and safety reasons and was of the view that the bollard lights were entirely acceptable. He had concerns about the column lights and asked whether there was any scope for the Committee to seek replacement of the column lights with bollard lights. If this were not possible then he welcomed the shielding proposed in the condition suggested by Environmental Protection in order to reduce the level of glare. He also asked the Committee members to consider the imposition of time restrictions on the lights, suggesting they be off

between the hours of midnight and 6am.

James Wells addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He apologised for erection of the lighting without prior permission and for the submission of an application which was retrospective. The installation had been undertaken mistakenly due to a genuine misunderstanding. He explained that the lighting was to provide a safe and secure environment for the residents of the site. The column lighting, which cast light over a wider area, had been installed in three locations which were junction areas on the caravan site. The lights had been designed to ensure light would not spill above the horizontal and, as a consequence of residents' concerns, the bulbs used would be changed from 35 watts to 20 watts. In addition, the applicants were happy to comply with the recommendation from Environmental Protection for shielding to be installed to prevent light emissions on the landward side of the site.

Councillor Moore attended and with the consent of the Chairman addressed the Committee. She welcomed the Planning Officer's inclusion of a photograph at night time taken from a location in Broman's Lane although she was in possession of other photos which illustrated up to 11 lights, including the three lights the subject of the application. She refuted the information in the report stating that other existing lighting on the site, also installed without formal permission, had been in place for approximately 15 years and, as such, enforcement action was not considered to be reasonable. In her view the lighting had not been installed for anywhere near as many years as stated, did not have permission and so should be enforced against. She considered the impact of the lighting at night was similar to a football stadium and was not acceptable in a quiet rural location. She asked the Committee members to seek measures to reduce the impact of the light pollution caused by the lighting. She sought clarification about the reduction in wattage for the bulbs and questioned the actual practical difference this would make. She referred to the Parish Council's policy on Dark Skies and asked the Committee members to consider seeking further protection for the environment in accordance with the Parish Council's aspirations. She went on to seek the replacement of the column lights with bollard lights.

The Planning Officer explained that Environmental Protection had recommended the installation of shielding to the lights to reduce the light emission on the landward side and he confirmed that the lights were fitted with sensors which provided for their activation when the ambient light fell below a certain level and, as such, this enabled the lights to be maintained overnight. He was of the opinion that the applicants were seeking overnight lighting for the benefit of their residents. He went on to explain that enforcement action for existing lighting was not appropriate given the length of time they had been in place. He acknowledged that the applicants may be willing to provide shielding for the other pre-existing lights but they were not part of the application under consideration and, as such, no assurance could be asked for. He was of the view that, as the applicant was willing to install shielding and lower wattage bulbs to the three

column lights, it would not be an option for the Committee to consider refusing the application on the grounds of impact on the environment. He further confirmed that the lower wattage bulbs were below the requirement recommended by Environmental Protection.

Members of the Committee sought clarification on the imposition of time restrictions to the lighting such that they did not remain on overnight which would accord with the current arrangement for Essex Highways Authority lighting which provided for lights generally to be switched off between the hours of 1:00am to 5:00am. Further advice was also sought in relation to the weight that could be attached to the Parish Council's Dark Skies Policy.

The Planning Officer further explained that the Dark Skies Policy had been addressed in the Committee report which explained that the view of Environmental Protection was that the Policy could not be applied in this location because, although it was countryside location, it was not within the nature conservation areas and there was already existing lighting. He also further explained that the applicant was unable to agree to the suggestion for overnight time restrictions due to the need for illumination for arriving residents to the caravan park who were unfamiliar with the environment. In the Planning Officer's view, this justification was considered reasonable, particularly, given the applicant's agreement to the installation of shielding and lower wattage bulbs.

RESOLVED (EIGHT vote FOR, ONE voted AGAINST and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report.

503 171768 Balkerne Hill, Colchester

The Committee considered an application for a non-illuminated information lectern at Balkerne Hill, Colchester. The application had been referred to the Committee because the applicant was an Alderman. The Committee had before it a report in which all information was set out.

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

504 171679 21 Glisson Square, Colchester

Councillor Liddy (by reason of his directorship of the Colchester Borough Homes) 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 a proposed disabled bathroom at 21 Glisson Square, Colchester. The application had been referred to the Committee

because the applicant was Colchester Borough Homes. The Committee had before it a report in which all information was set out.

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

505 171125 Ferndown, Greyhound Hill, Langham, Colchester

The application was withdrawn from consideration by the Committee prior to the commencement of the meeting.

506 171482 3 Oak Tree Cottages, Brook Road, Aldham, Colchester

The Committee considered an application for a two storey side extension and single storey rear extension following demolition of existing workshop/store at 3 Oak Tree Cottages, Brook Road, Aldham, Colchester. The application had been referred to the Committee because the applicant was a council employee. The Committee had before it a report in which all information was set out.

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

507 Affordable Housing on the Chesterwell development and use of Brook Street, Colchester allowance

The Committee considered a report by the Assistant Director Policy and Corporate giving details of a request from Mersea Homes Ltd to use the Brook Street affordable housing allowance in lieu of the rented affordable housing required on Phase 2 (parcels R9 and R10) of the Chesterwell Development (formerly know as North Growth Area Urban Extension).

Alistair Day, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

RESOLVED that –

- (i) The proposal from Mersea Homes Ltd that the affordable housing allowance agreed as a part of the Brook Street Development be used in-lieu of the rented affordable housing element scheduled for Phase 2 of the Chesterwell Development (Parcels R9 and R10) be endorsed and
- (ii) The Affordable Housing Scheme for Parcels R9 and R10 of the Chesterwell Development be approved.