

Planning Committee

Thursday, 31 January 2019

Attendees: Councillor Vic Flores, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Chris Pearson

Substitutes: Councillor Nick Cope (for Councillor Lyn Barton), Councillor Robert Davidson (for Councillor Brian Jarvis)

Also Present:

661 Site Visits

Councillors Cope, Davidson, Flores, Hazell, Higgins, Liddy, Loveland and Maclean attended the site visits.

662 Minutes of 3 January 2019

The minutes of the meeting held on 3 January 2019 were confirmed as a correct record.

663 180874 The Langenhoe Lion, Mersea Road, Langenhoe, Colchester

The Committee considered a planning application for the demolition of a former public house and erection of four dwellings and car parking at The Langenhoe Lion, Mersea Road, Langenhoe, Colchester. The application had been referred to the Committee because it had been called in by Councillor Davidson. The Committee had before it a report and an 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.

Chris Harden, Senior Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations. He explained that, since the amendment sheet had been published, a further letter had been received from Fingringhoe Parish Council in support of the proposal for a community shop.

Malcolm Mattack, on behalf of Abberton and Langenhoe Parish Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He lamented the loss of a community asset as a consequence of the proposed development as the building had been a social hub in the village and surrounding area since before 1800. He summarised the previous planning history associated with the site. He was concerned that the current application proposed

the demolition of the building with no acknowledgement that the community facility would be lost. He explained that over 200 objections had been submitted in response to the application, with only 10 in support. He was of the view that most objectors were in support of the provision of a neighbourhood shop. He was of the strong view that the applicant should not be permitted to manipulate the planning process without considering the views of the residents. He suggested that a new application be submitted, consistent with previous proposals which could be supported by local parish councils and he explained that several people had confirmed their willingness to volunteer their time to support a village shop.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposal followed 10 months of work, accorded with planning policies, policy DP4 being met in full and the applicant had agreed to make a voluntary financial contribution. He explained that the public house had been closed for seven years and since the applicant had owned the site two planning applications for demolition of the building had been approved, including alternative health and retail uses, both of which had been the subject of robust marketing campaigns. Options had also been explored with the Parish Council. He was of the view that pubs and shops tended to fail because they are not used by residents and this appeared to be the pattern in Langenhoe. He considered the applicant had made considerable efforts to provide a viable use for the building, but this could not continue indefinitely and he did not consider that a new application would emerge, should this proposal not meet with approval.

Councillor Moore attended and, with the consent of the Chairman, addressed the Committee. She referred to the 250-year age of the building and that the brewery had made the business unviable which had forced the public house to close. She considered the Council needed to guard against the loss of the facility to the community and sought support for the community use to be retained. She was of the view that a community-run shop would fulfil this need. She did not agree that policy DP4 had been met as there was no alternative facility, the business was not unviable and there had been no consultation with residents. She considered the marketing exercise had failed because the costs had been too great. She was aware that local people were very keen to run a community shop from the ground floor of one of the proposed units and suggested this could be undertaken on a trial basis for a period of years. She considered the Committee should have the best interests of a rural community at heart and requested the Committee members to consider deferring the determination of the application to enable consultation with the community with a view to securing a community shop.

The Senior Planning Officer explained that the public house had closed in 2011 and that marketing exercises had failed to secure any alternative uses for the business. The question of a community shop had been discussed with the applicant but concerns had been expressed in relation to the provision of adequate parking facilities and amenity issues from a retail use adjacent to residential properties. In addition, there could be

problems should a volunteer shop venture failed, whilst an alternative option might be for a community shop to be run from the village hall. He considered sufficient marketing of the building had been undertaken and did not consider it reasonable to require the applicant to further delay the proposals.

Councillor Davidson explained that he had called in the application following meetings with both the Developer and the Parish Council. He confirmed that he had called in the application and had been involved in discussions with the Parish Council, however he had not yet formed a view on the proposals.

Members of the Committee generally sympathised with the concerns expressed by the Parish Council and its desire to retain the community asset.

A number of Committee members supported the suggestion to defer the application for a few weeks to see if it was possible to agree an alternative proposal incorporating a community space, given the length of time the application had already taken to come to the Committee the location of the building on the route to the local school, the prospect of a significant number of new dwellings allocated in the Local Plan and the lack of on-site parking not necessarily being significant. Clarification was sought on the number of representations opposing the application as specified in the report, whether the number of objections as a proportion of the size of the community was considered significant and whether it would be possible for the existing building to be retained.

Other members of the Committee acknowledged that the failure of the public house had been due to a lack of support and were sceptical about the potential success of a community-run facility and concerned about the implications of a subsequent failure of the venture. Acknowledgement was given to the tests contained in policy DP4.

The Senior Planning Officer explained that the existing building was not nationally or locally listed although a condition had been proposed to record its historical features and, as such, there were no grounds to insist on its retention. He considered the application had been the subject of detailed discussions over a period of 10 months, during which no proposal had been received from the Parish Council in relation to a community-run facility. He confirmed that the report had included 99 representations opposing the application, which was lower than the number attributed by the Parish Council but this was due to multiple submissions from individuals not being recorded. He further confirmed that the number of representations in opposition was not considered unusual in relation to the loss of a public house or a community facility.

The Development Manager explained a Listed Building status would provide a significant material consideration in the determination of a planning application. He further explained that the Listing Building criteria for a Victorian-era building were such that the building would need to be an exceptionally fine example with little alteration both externally and internally to achieve Listed Building status. However, this was not the

case in this instance and, although there was a lower level of quality necessary for Local Listing, the principle of demolition of the building had already been established. He also confirmed that it was generally much more expensive to convert an existing building than to build a new one, such that, the proposal to demolish would be more financially viable for the applicant. He also confirmed, in relation to the number of representations generated by the application, that the Committee should attribute weight to the substance not the volume of any comments received.

Further discussion amongst Committee members referred to the parking provision requirement, whether eight spaces would be adequate and whether it would be possible to provide one electric vehicle charging point in the parking area. Reference was also made to the potential for flexibility to be sought from the applicant to accommodate a retail unit for community use, subject to it reverting to residential use if it failed in the future.

The Senior Planning Officer confirmed that it would be possible to reduce the parking provision from nine to eight spaces, however, he was of the view that it would be desirable to retain the ninth space and its alternative access point. He confirmed that an additional condition could be included to provide for an electric vehicle charging point.

RESOLVED (SIX voted FOR and FOUR voted AGAINST) that, the application be deferred for a period of one month to enable further engagement to take place between the applicant and the community / Parish Council with a view to a business plan being prepared for a possible 'community space'.

664 182568 182 Old Heath Road, Colchester

The Committee considered a planning application for the Erection of single storey side and rear extension at 182 Old Heath Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Lilley. 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.

Eleanor Moss, Senior Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Angela Cole addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that the property had been in her family's ownership since the 1960's and she intended to retain ownership and improve it for use by a single-family occupant. She had endeavoured to take on board the comments made by the neighbours and the ward councillor and she had designed the development to be a quality build. She confirmed her intention was to rent out the property in the short term and it was possible that she may return to the

property to live. Although not a planning consideration, she was aware of Party Wall Act considerations and intended to instruct a surveyor, structural engineer and professional builder to ensure the neighbour's concerns were addressed. She asked the Committee to approve the application.

Councillor Fox attended and, with the consent of the Chairman, addressed the Committee. He explained that Councillor Lilley had called-in the application but had been unable to attend this meeting. He explained that there were genuine concerns from the neighbours in relation to the impact in relation to loss of light and proximity to the boundary. He acknowledged these matters had been addressed in the report but he encouraged the Committee members to consider the impact on the neighbours.

The Senior Planning Officer explained that, in terms of potential loss of light to the neighbouring conservatory as a consequence of the development, light was already being blocked to the conservatory due to the existing built form. She considered there may be an additional loss but this would be minimal due to the proposal being single storey only, with a low pitch to the roof. She also confirmed that the proposal passed the 45-degree angle test contained in the Essex Design Guide, as such the proposal was considered to be acceptable. In relation to the proximity to the boundary, she explained that this could be addressed by means of the Party Wall Act provisions which was not a planning consideration, but the applicant had confirmed her intention to undertake the necessary legislative requirements.

Members of the Committee acknowledged the application conformed to planning policies. Clarification was sought in relation to the potential need for the hours of construction work to be specified, whether Permitted Development Rights should be removed for the property and whether any additional support could be provided by the Council to assist residents in relation to Party Wall Act concerns.

The Senior Planning Officer confirmed that an additional condition could reasonably be included to specify the standard hours of work for construction purposes, which would be between the hours of 8:00 and 18:00 on weekdays, 09:00 and 13:00 on Saturdays and none on Sundays and Bank Holidays. She also confirmed that it was not common practice to remove Permitted Development Rights in association with residential developments of this nature, unless there were very good reasons for doing so.

The Development Manager confirmed that all conditions applied to a planning permission were required to be met certain tests, one of which was necessity and, in the instance of a single storey rear extension, he advised there would be no justification for the removal of Permitted Development Rights. In addition, he sympathised with the concerns of the neighbours but confirmed that the Party Wall Act was a civil legal matter strictly between the two parties concerned and, as such, the Council was unable to offer any assistance.

RESOLVED (UNANIMOUSLY) that, the application be approved subject to the conditions set out in the report and an additional condition to control the hours of construction.

665 182939 Café in the Park, Castle Park, High Street, Colchester

Councillor Liddy (by reason of his directorship of 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 a planning application for an extension to the existing externally accessed public toilets located within cafe building at the Café in the Park, Castle Park, High Street, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Homes.

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