

# **Planning Committee**

## **Thursday, 31 October 2019**

**Attendees:** Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford

**Substitutes:** Councillor Theresa Higgins (for Councillor Andrea Luxford Vaughan), Councillor Chris Pearson (for Councillor Martyn Warnes)

**Also Present:**

### **748 Site Visits**

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

### **749 Planning Committee Minutes 26 September 2019**

The minutes of the meeting held on 26 September 2019 were confirmed as a correct record.

### **750 190753 Rowhedge Wharf, Former Rowhedge Port, Rowhedge, Colchester**

The Committee considered an outline planning application for the erection of 20 residential properties with associated access, amenity space, car parking, servicing, landscaping and utilities, with revised plans received for 19 dwellings (including one affordable unit and one flat over garage) at Rowhedge Wharf, Former Rowhedge Port, Rowhedge, Colchester. The application had been referred to the Committee because it was a major application with representations raising material objections, a legal agreement was required and Councillor Lilley had called-in the application.

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.

Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Paul Thomas addressed the Committee pursuant to the provisions of Planning

Committee Procedure Rule 8 in opposition to the application. He explained that he lived on the neighbouring development at Rowhedge and that he was aware of the intention to develop the site of the current application. He was concerned about the removal of trees to facilitate the development, one of which was substantial in size. He was also concerned about the practice of residents to park their vehicles in Rowhedge Wharf rather than using their designated car ports and he considered this situation would be made worse by the forthcoming development.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. He explained that he had originally called in the application when the demolition of the Pump House had been included in the application. He welcomed the removal of the building from the application, thanked officers for their assistance with this and was hoping the developers would consider transferring its ownership to the community. He had no objection with the application in its current form but he referred to problems of sewage and odour in the area which had taken some while to be addressed and he sought an assurance that the sewage treatment proposals for this development would have sufficient capacity to cope with the added demand. He also referred to parking problems which he considered were due to parking spaces not being visibly delineated and he advocated adequate conditions be proposed to address this issue in respect of the current application. He was of the opinion that a management company needed to be appointed and it would be advantageous to residents if the same company managed both development sites at Rowhedge Wharf.

The Principal Planning Officer confirmed that the proposal included the removal of a large oak tree and smaller trees behind, that the tree survey had indicated the oak tree was diseased and the Council's Arboricultural Officer had agreed for it to be removed. She also confirmed that the removal of the trees had formed part of the earlier extant planning permission for the site and that 20 hectares of woodland adjacent to the site were being protected for the benefit of the community. She acknowledged problems relating to sewage in the neighbouring area but consultation with Anglian Water and the County Sustainable Drainage Systems (SuDS) Team had taken place and they had raised no objection regarding capacity. She understood that separate management companies would be used for the two developments. She confirmed that the proposed scheme complied with the Council's adopted parking standards, providing two spaces per dwelling and the visitor spaces exceeded the number required. She also confirmed that Rowhedge Wharf Road had been designed to accommodate a bus should he need arise.

Members of the Committee acknowledged concern about the removal of trees but acknowledged that they could be removed in accordance with an extant permission. The removal of the Pump House from the application and its addition to the Local List by the Local Plan Committee was welcomed. The compliance of the proposal with the Council's adopted parking standards was noted whilst comment was made about the practice of some residents choosing not to use the parking spaces provided for them which was to

the detriment of other residents.

*RESOLVED* (UNANIMOUSLY) that: -

(i) 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 with authority to make changes to the wording of those conditions, as necessary, 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, to provide for the following:

- A contribution of £1,000 per dwelling towards the improvement of the Rowhedge Trail;
- Affordable housing - one x three bed house;
- Open Space Sport and Recreation - a contribution of £23,200.31 for off-site sport and recreation;
- Sustainable Transport/Highways – a £20,000 contribution for bus shelter upgrades;
- A RAMS contribution of £122.30 per dwelling.

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, Assistant Director Policy and Corporate be authorised, at their discretion, to refuse the application or otherwise be authorised to complete the agreement.

**751      183053 Colchester Holiday Park Ltd., Colchester Caravan Park, Cymbeline Way, Colchester**

**Councillor J. Maclean (by reason of her acquaintance with a neighbouring resident of the Caravan Park) 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 the use of part of the approved caravan park for the siting of static caravans at Colchester Holiday Park Ltd., Colchester Caravan Park, Cymbeline Way,, Colchester. The application had been referred to the Committee because because the application had been called-in by Councillor Willetts.

The Committee had before it a report and 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.

Benjy Firth, Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Councillor Willetts attended and, with the consent of the Chairman, addressed the Committee. He explained that he had called in the application at the request of local residents who wished for clarification of the Council's policies in relation to caravan parks. He commented on the environmentally sensitive site and the very long-standing allocation of the site for use as a caravan park. He referred to issues relating to the park's function to cater for holiday lodges and static and touring caravans and he commented on an apparent move recently away from touring caravans and tents towards semi-permanent occupation and, with that, away from the tourism and leisure allocation in the Local Plan. He acknowledged this change in emphasis was likely to bring a reduction in traffic movements but he was of the view that site should not change to a mobile home park but remain as a site for tourists. He argued the need for an alternative site for tents and touring caravans should permission be granted for this application.

One member of the Committee voiced concern about the change of concept of the site and a shift in the ratio of static homes and touring caravans and tents and commented on the move away from the site allocation in the Local Plan. Comment was also expressed regarding the 11½ month maximum period of occupation; the use of services in the town; the lack of contribution in terms of Council Tax; the lack of alternative sites for short-term occupation; the absence of improvement in traffic volumes and the potential visitor parking problems.

The Planning Officer confirmed that the site was allocated as a caravan site; all the units, if approved, would fall within the definition of a caravan and an element of touring provision was being retained. He considered the change to more static provision was being driven by market trends and he confirmed that the parking standards required, of one space per unit, together with visitor parking was being complied with. He also confirmed that the static caravans were all defined as holiday units in planning terms.

Another member of the Committee sought further clarification on the planning history of the site; the proposed planting system and any additional measures to improve the noise attenuation from the A12 and whether any alternative sites existed in Colchester.

The Planning Officer confirmed that 12 static caravans had received approval in 2013 with a further 40 in 2018; existing planting was along the highway verge to the A12 and further hedging and tree planting was proposed which would provide a substantial barrier and the landscaping was subject to a proposed condition and, as such, changes could be sought at a later date.

Another member of the Committee acknowledged the more recent move generally at caravan sites away from touring caravans to static units; the provision of visitor parking at the entrance to a site to avoid disturbance to residents and the propensity for night-time site curfews. Comment was also made about the benefit of providing additional landscaping between the units to mitigate the impact of the close proximity of each unit

to another whilst it was welcomed that proposed conditions would impose restrictions on the duration of occupation each year and a requirement for a log to be maintained by the caravan site operator.

*RESOLVED* (SEVEN voted FOR, ONE voted AGAINST and ONE ABSTAINED from voting) that the application be approved subject to the conditions set out in the report.

**752      191646 Land adjacent to 62 Military Road, Colchester**

**Councillor Liddy (by reason of his membership of the Board 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 the redevelopment of a vacant site to provide six flats, two mews houses and associated access road, parking, amenity space and landscaping at land adjacent to 62 Military Road, 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.

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 application be approved subject to the conditions set out in the report.

**753      192101 Colchester Mercury Theatre, Balkerne Passage, Colchester**

**Councillor Barton (by reason of her membership of the Board of Colchester Mercury Theatre) 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 mesh Heras fencing signs advertising the new temporary location of the Theatre and the shows whilst building works are on-going at Colchester Mercury Theatre, Balkerne Passage, Colchester. The application had been referred to the Committee for transparency as the Mercury Theatre site was land owned by Colchester Borough Council.

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.

#### **754      Development at Rowhedge Wharf - Primary Education Contribution**

The Committee considered a report by the Assistant Director Policy and Corporate concerning a request from Essex County Council to amend the definition of Primary School Purposes in a Section 106 Agreement in respect of Rowhedge Wharf to allow the primary education contribution to be used at St Lawrence School, Rowhedge.

*RESOLVED* (UNANIMOUSLY) that the requested Deed of Variation to the Section 106 agreement in respect of the development at Rowhedge Wharf to amend the definition of Primary School Purposes to allow the primary education contribution to be used at St Lawrence School, Rowhedge, be approved.