

Planning Committee

Thursday, 05 November 2015

Attendees: Councillor Peter Chillingworth (Group Spokesperson), Councillor Jackie Maclean (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 Ray Gamble (for Councillor Helen Chuah)

230 Site Visits

Councillors Chillingworth, Hayes, Hazell, Jarvis, Maclean, Manning Moore, Scott, Scott-Boutell and Sykes attended the site visit.

231 Minutes of 1 October 2015

The minutes of the meeting held on 1 October 2015 were confirmed as a correct record.

232 151825 Car park at Sheepen Place, Colchester

The Committee considered an application for the proposed phased development of two new office buildings and associated outbuildings, parking and landscaping at the car park at Sheepen Place, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report and an amendment sheet in which all the information was set out.

Sue Jackson, Principal Planning Officer, presented the report and, assisted the Committee in its deliberations. She confirmed that Anglian water had no comment to make on the application.

David Neville addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He considered that the town was overloaded with office space and the traffic problems in the town centre had a detrimental on residents. He refuted the assertion that the development would have no significant impact on traffic volumes and he was also concerned about the loss of the Sheepen Road car park which was considered an asset for local residents. He also explained that only a small proportion of residents had been notified about the

application

Roger Gilles addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He considered the development to be a bold move on behalf of the Council, in terms of the encouragement of good quality office design which would also provide a continuing revenue stream for the Borough. The intention was to provide a well serviced work space for which a long lease had already been negotiated with Birkett Long who had specified particular requirements although the development was sufficiently flexible to accommodate other options. The Highway Authority had confirmed that it was supportive of the loss of a number of car parking spaces in order to accommodate the development. The design was intended to achieve a high BREEAM score which was an added benefit for the town.

The Principal Planning Officer explained that a tenant had been identified for the first building but the tenancy of the second building had yet to be finalised. The traffic movements generated by the development were considered to be fewer than the existing car park use and, as such, the congestion problem would not be made any worse. In addition the travel plan for the development encouraged the use of alternative travel modes. She confirmed that there had been a delay in notifying all residents about the application but this had been rectified within a few days in addition to the usual public notices in a local newspaper and on site. She also confirmed that the proposed cycle parking facilities were positioned closest to the most convenient access point to the site and that the future parking strategy was seeking a reduction in the long stay parking facilities in order to encourage park and ride take up.

One member of the Committee was concerned about the cycling facilities and considered these did not meet Essex Guideline Standards and accordingly sought the addition of a condition to provide for the cycling provision to be subject to the approval of the Planning Authority.

Generally members of the Committee acknowledged that the proposal would not cause existing traffic problems to be exacerbated, whilst the loss of car parking for residents was considered to be unfortunate. Members of the Committee were also reassured that the parking facilities for coaches and lorries to the north of the site would be unaffected by the development and the provision for disabled vehicle parking on the site accorded with necessary standards.

RESOLVED (UNANIMOUSLY) that the planning application be approved subject to the conditions set out in the report with an additional condition providing for the cycling provision to be subject to the approval of the Planning Authority.

233 151826 Car park at Sheepen Place, Colchester

The Committee considered an application for one totem sign board to the front of the

building at the car park at Sheepen Place, Colchester. The application had been referred to the Committee because the applicant was the Council. The Committee had before it a report and in which all the information was set out.

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

234 152042 Land adjacent to 39 Harvey Crescent, Stanway

Councillor Sykes (in respect of her acquaintance with the applicant) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the erection of a detached three bedroom dwelling and parking at land adjacent to 39 Harvey Crescent, Stanway, Colchester. The application had been referred to the Committee because it had been called in by Councillor Sykes and she had stated that she had not formed an opinion on the application. The Committee had before it a report 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.

Eleanor Moss, Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He considered that the application fully complied with standards in relation to parking, gardens and amenity and, as such, was not clear as to why it had not been supported by Planning Officers. He referred to the character of the area and the general plot sizes as well as height, width and materials which were generally similar in the locality. Some houses had been extended successfully and there was evidence of different boundary treatments in the area. As such, he was unsure as to why the proposal was considered to be so harmful to the area. He was aware that a number of residents supported the proposal as well as the Parish Council. He acknowledged the application may not be perfect but it did not conflict with planning policies and was therefore a matter for the Committee to consider, balancing various issues. He was of the view that the application was not sufficiently harmful to outweigh its merits.

The Planning Officer confirmed that, in the opinion of the Council's planning team, the site was not capable of this development. The benefit to be gained through a tidying up of the site could also be achieved through enforcement measures if that were deemed necessary. She confirmed that the site had been sold by the Council to the applicant with covenants effectively providing for the site to be retained as a garden with the provision and maintenance of a boundary fence.

One member of the Committee was concerned about the apparent inconsistency in

approach with the application and was of the view that indications had been provided which suggested the site may be able to be developed successfully. Reference was also made to the mixed appearance of dwellings in the area, some of two storey, some of three, the addition of porches and other examples of rendered finish.

Other members of the Committee acknowledged the poor quality of the proposed design of the dwelling but supported the need to improve the appearance of the area to benefit the appearance of the general street scene. Reference was also made to the potential loss of greenery, that the site had not been maintained adequately, the potential for enforcement measures to be sought to improve the site's appearance as well as the attractive development which had been provided in the opposite corner of the cul de sac.

The Planning Manager confirmed that a section 215 'untidy site' notice could be served on the owners of the land to improve the appearance if it was considered necessary. He also acknowledged that meetings had taken place with one of the ward councillors and time had been spent in order to find a suitable solution for the site. Notwithstanding, he was clear that the view expressed by planning officers was that the site was not suitable for development and a scheme had not yet been submitted which met all the requirements necessary for officers to recommend approval. There was a clear audit trail to this effect which had been communicated to the applicant and the agent and therefore he could not agree with the comments made by one of the committee members regarding indications of suitability for development.

After considerable deliberation, a number of Committee members were of the view that, although they couldn't support the current proposal, there would be merit in allowing further time for the applicant, in consultation with planning officers, to formulate an amended proposal which could be a suitable solution for development.

RESOLVED (EIGHT voted FOR and FOUR voted AGAINST) that the planning application be deferred for further negotiation to provide for the redesign of the proposals to make them more acceptable with Council's policies, bearing in mind the problems of the street scene, the roof line of the new dwelling and the need for the new dwelling to be set back in order to accommodate parking to the front.

235 151831 48a William Harris Way, Colchester

Councillor Scott-Boutell (in respect of her acquaintance with the objector making representations to the meeting) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the use of premises as restaurant and takeaway (A3/A5), installation of associated kitchen extract system and external ducting with brick effect cladding on the rear elevation of the building at 48a William Harris Way, Colchester. The application had been referred to the Committee because it had been called in by Councillor Harris. The Committee had before it a report in which all the

information was set out.

Eleanor Moss, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Edwina Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. She explained that, after being vacant for ten years, she was not opposed to the building being occupied. However she had considerable concerns about the flue which was proposed to be positioned directly above the entry door to her property and parallel to her kitchen and bathroom windows. She considered the proposed appearance to be unsightly. She did not object to A3/A5 use in principle but she did not wish to see the introduction of a catering business which required such a high degree of extraction. She was aware of interest in the premises from an alternative source for use as a coffee shop and she welcomed the opportunity for this type of use to be tested.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He thanked the Planning Officers for their work in compiling the report but he was making representations in order to support the local residents. He explained that the provision of the flue as proposed would significantly impact on what was effectively the front aspect of the residents' premises. He was concerned about the very close proximity of the flue to the windows of the dwellings in the building and he did not consider this to be acceptable in any form. He explained that the residents were not opposed to the introduction of businesses to the building but he was not supportive of this style of take away, particularly if it involved the provision of an extraction flue.

The Planning Officer explained that the recent appeal decision had established that A3/A5 use was permissible. The Committee needed to consider whether the flue could blend in harmoniously with the building, particularly given it was much less stark in appearance than that previously proposed. She was of the view that adequate maintenance would ensure that odours would be kept within controllable limits. The Planning Officer also confirmed that a commercial bin for waste disposal would be provided to the rear of the building's parking area which was the same as that proposed in the previous application.

Members of the Committee referred to the recent appeal decision whereby the inspector had determined that the principle of this type of take away use was acceptable. Nevertheless, concern was expressed regarding the siting of the flue so close to the residents' windows, the likelihood of odours being discharged in such close proximity to dwellings, the inadequate height of the top of the flue in relation to the roof line and the design faults associated with the horizontal section above the entrance to the dwellings and the general appearance of the proposed cladding. There was also considerable concern regarding the inadequate waste disposal and storage and recycling proposals, given this type of take away establishment would require the use of oil drums for the collection of grease.

As the discussion suggested that the Committee may be minded to refuse the application contrary to the officer's recommendation in the report, in accordance with the Committee's procedures in these circumstances, the Chairman invited the Committee to consider invoking the Deferral and Recommendation Overturn Procedure (DROP), bearing in mind the implications of such decisions as set out in the reports and further explained by Planning Officers.

The Planning Manager confirmed that there was no significant risk should the Committee determine that the application be refused on the grounds of the poor design of the flue.

The Committee agreed not to invoke the DROP and, accordingly, the Chairman then invited the Committee to determine the application.

RESOLVED (UNANIMOUSLY) that the planning application be refused on grounds of the poor design of the flue, particularly in relation to its appearance, height, the horizontal element and the close proximity to residential dwellings.

236 152062 42 Anthony Close, Colchester

The Committee considered an application for the infill front extension and rear extension at 42 Anthony Close, Colchester. The application had been referred to the Committee because the agent worked for the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

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