

Planning Committee

Thursday, 28 September 2017

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Chris Pearson

Substitutes: No substitutes were recorded at the meeting

Also Present:

518 Site Visits

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

519 Minutes of 7 September 2017

The minutes of the meeting held on 7 September 2017 were confirmed as a correct record.

520 171467 Lakelands Phase 2, Church Lane, Stanway, Colchester

The Committee considered an application for the approval of the reserved matters following the outline approval granted to application 151479. The application proposed 62 residential units comprising a mix of 55 houses and 7 apartments, together with means of access and associated infrastructure work. The application had been referred to Committee because the Committee had requested that the reserved matters application be reported to Committee when it considered the outline application. It was also a major application to which material objections had been received. The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

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

521 171646 Aim Hire Site, Hawkins Road, Colchester

Councillor T. Higgins (in respect of her spouse's employment by the University of Essex) 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 the redevelopment of the site to provide 224 student bedrooms in a building of part 6, part 7 and part 8 storeys together with ancillary student uses comprising bin store, bike store, laundry and reception/office at ground floor, 46 parking spaces, landscaping, substation and linkages to river walkway. The application was referred to the Committee because it was a major development proposal to which objections had been received and which was recommended for approval, contingent on design revisions and the prior completion of a section 106 agreement. In addition, member approval was required in order to allow the Council to enter into a section 106 agreement. The Committee had before it a report in which all the information was set out together with further information on the 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.

Simon Cairns, Major Developments and Projects Manager, presented the report and assisted the Committee in its deliberations. In particular it was highlighted that improvements to the design of the building would be sought should the recommendation be agreed.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee in support of the application. She had campaigned to have sprinklers installed in all appropriate buildings and had met the developers. She was delighted that they had taken a positive and responsible attitude and had installed a sprinkler system. It was also essential to ensure a safe route to the University at all hours. The foliage near the walkway should be cut back and LED lighting provided. Parking spaces were at a premium in the locality, and the provision of an appropriate level of onsite parking and a contribution towards a travel plan was welcomed. Waste collection was also likely to be an issue on site.

The Major Developments and Projects Manager explained that there was provision in the section 106 agreement for the securitisation of signing of the walkway, and due notice would be taken of the request for LED lighting. Waste disposal and collection issues were covered by condition 5.

Members of the Committee were supportive of the scheme. Clarification was sought as to what healthcare services would be provided by the section 106 contribution for primary care delivery in the area. Reference was also made to the need to ensure that the safety railings along the river frontage were extended to the bridge and to ensure that the path was properly lit. It was also suggested that more could be done to use and promote sustainable energy.

It was explained that the contribution towards healthcare had been requested by the

NHS through the Development Team process, but its precise use was not known. The maintenance company would be responsible for ensuring the safe maintenance of the pathway and the river frontage. In terms of sustainable energy, photo-voltaic panels would be provided at roof level. It was suggested that an informative could be added to the permission requesting the use of photo-voltaic lighting for the pathway and for sustainable energy to be used where possible.

RESOLVED (UNANIMOUSLY) that-

(a) Consideration of the application be deferred for completion of the Section 106 Legal Agreement to achieve the following:-

- £85 000 contribution to a footbridge over the River Colne;
- £90 000 contribution towards open space improvements;
- £80 000 contribution towards a bespoke student travel plan to be managed by Colchester Borough Council Colchester Travel Plan Club (which may include a £56 000 contribution for the provision of new bus stops located nearer the site to encourage an alternative travel mode);
- £60 000 contribution towards the securitisation and signing of the walking route to the University, together with the resurfacing, lighting and security of the nearest pedestrian route (located adjacent to the old Custom House);
- £35 328 contribution to mitigate the impact of the development on primary healthcare delivery in the area (as identified by the NHS);
- a requirement that the part of the river wall that is adjacent to the application site be surveyed and, if necessary, repaired as part of the overall works to create the extension to the riverside footway and cycleway.

(b) Following the successful completion of the section 106 agreement the Assistant Director Policy and Corporate be authorised under delegated powers planning permission subject to the further amended drawings first being submitted by the applicant which satisfy the Assistant Director that the elevational treatments has achieved the quality being sought and subject to the conditions and informatives as set out in the report, on the amendment sheet and additional informatives to encourage on-site energy generation especially solar powered lighting for riverside pathway, and to ensure that the Landscape Management Plan to ensure pathways are kept open for pedestrian safety and any river frontage includes continuation of railings for pedestrian safety.

522 162442 Cosways Holiday Park, Fen Lane, East Mersea, Colchester

The Committee considered an application for the change of use of land to site 67 static holiday caravans together with associated landscaping. The application was referred to Committee as it had been called in by Councillor T. Young. The Committee had before it a report in which all information was set out together with further information on the 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.

Chris Harden, Planning Officer, and Simon Cairns, Major Developments and Projects Manager, presented the report and assisted the Committee in its deliberations.

Maurice Lainchbury addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He represented the views of over 100 residents. The application was in breach of planning policy. The claimed benefits of the scheme would come at the cost of damage to the environment and increased pressure on infrastructure. There would also be costs to the local authority from 11 month occupation of the caravans. Whilst it was claimed that the application would bring economic benefits, it did not specify who would benefit. Nearly all visitors to the site would travel by car, which would generate an extra 260 vehicle movements per day. Therefore the proposals were contrary to transport policy and would put more pressure on Mersea's road network, which was characterised by narrow roads without footpaths, and would result in increased congestion.

Carl Castledine, Chief Executive of Away Resorts, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Away Resorts were a small but growing business. There had been a recent decline in the attractiveness of holiday parks which they were seeking to reverse. Cosways Holiday Park had suffered from under investment. The proposals would provide a modern and attractive holiday park which would provide both part time and full time job opportunities. It would also increase the amount paid in business rates. There would be a minimal impact on traffic and the any day arrival policy would reduce the traffic impact. They were dealing with the NCC to deal with the with long term residency issues. The proposal would create an excellent holiday park which would boost tourism in the area.

Councillor T. Young attended and with consent of the Chairman addressed the Committee in support of the application. The proposals were well designed and if approved, would enhance tourism and the borough's economy. The proposals did not breach the Local Plan but supported policies on tourism, employment and economic growth. Away Resorts had owned the site for two years and had invested heavily in the site to turn it into a quality park. The field which the applicant sought to develop was of low landscape and amenity value. The extension to the holiday park would be well designed and low density. It would not generate significant traffic and there was no objection from the Highways Authority. Strict controls would be imposed to prevent year round occupancy. Whilst it was noted that the application site was in the Coastal Protection Zone, this was also the case with Coopers beach site, which had been allowed to extend. This was not an allocated site in the Local Plan, and Policy DP10 allowed the extension of holiday parks. Policy ENV1 permitted development where it was compatible with its location. This was the case with this application which would

improve the visual amenity of the area.

Councillor J. Young attended and with the consent of the Chairman addressed the Committee in support of the application. If approved the proposal would help provide affordable holiday accommodation for residents of the borough. It would also help support local businesses. The owners had already significantly improved the park whilst it was under their ownership. It would only operate for 10 months a year, which should reassure those concerned about long term occupancy. Whilst concerns about traffic were noted, traffic in the area had temporarily increased recently as a result of the opening of a new playground at Cudmore Grove.

Councillor Moore attended and with the consent of the Chairman addressed the Committee. The costs of the development were too high for the proposed benefits. Once built the development would only create an additional four jobs. Mersea already suffered from the results of poorly managed tourism. There were already approximately 2000 caravans on Mersea. It was impossible to control residencies to prevent 12 month occupation. There would be 24 hour lighting on the site which would impact on the amenity of neighbours. Essex Wildlife Trust, who had objected to the proposals, had a better knowledge of the site than Natural England. The proposed development was also not compatible with the Council's Sustainable Transport Policy and the applicant's transport submission was inaccurate. There were robust planning reasons for the refusal of the application.

Councillor Goss attended and with the consent of the Chairman addressed the Committee in his capacity as Chairman of the Local Plan Committee. Whilst he was not in a position to comment on the merits of the application, he stressed the importance of respecting the Local Plan and expressed his concern that it was claimed that the application was in contravention of the Local Plan.

The Planning Officer explained that there would be a significant impact on landscape, and whilst there be some economic benefit, this would not outweigh the harm to landscape. The application site was a valuable buffer between Cudmore Grove and the holiday park. Whilst an application had been approved at Coopers Road, this was an allocated site in the Local Plan. It was also set further back from the coast and views of it were hidden by the existing park. It was therefore not directly comparable. The comments of Essex Wildlife Trust had been carefully considered. However, it would be difficult to justify refusal on the grounds of impact on wildlife. The application was contrary to the Local Plan and conflicted with policies ENV1, ENV2 and DP23. Whilst policy DP10 supported the provision of sustainable rural tourism in appropriate locations, this was only where the proposals were compatible with the rural character of the area, which was not the case with this application.

Members of the Committee were concerned that the application was contrary to Local Plan policies ENV1, ENV2, DP23 and DP10. In addition it was also contrary to the East

Mersea Village Plan. Particular concern was expressed about the significant impact the application would have on the Coastal Protection Zone. Members of the Committee also highlighted the height of the site which would mean that the site would be highly visible and therefore have a significant impact on the landscape and character of the area. Concerns were expressed that the application was too large in scale. Whilst the arguments in support of tourism were noted, some members felt that Mersea was reaching saturation point and the application would be detrimental to tourism in the long term. Concern was also expressed about the transport issues although members noted that the Highways Authority had not objected and that therefore a refusal on these grounds could not be sustained.

RESOLVED (EIGHT voted FOR and TWO ABSTAINED from voting) that the application be refused for the reasons set out in the report.

523 171172 West End Garage, High Street, Dedham, Colchester

The Committee considered an application for the demolition of the existing car repair garage and its replacement with a new two storey dwelling house, with proposed change of use to C3 at West End Garage, High Street, Dedham, Colchester. The application had been referred to Committee because it had been called in by Councillor Chapman. 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 proposal upon the locality and the suitability of the proposal for the site.

James Ryan, Principal Planning Officer, and Simon Cairns, Major Developments and Projects Manager, presented the report and assisted the Committee in its deliberations.

Councillor Taylor of Dedham Parish Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The application had resulted in 34 objections. The proposed building was too dominant in height which was out of character and would have a negative impact on the entrance to the village. It was misleading to compare it to the telephone exchange building as this was exempt from planning. Whilst Dedham did not have a Neighbourhood Plan it did not need more large detached properties such as this. The need was for smaller properties that could be purchased by existing residents and this was a rare opportunity to help deliver this. In addition the site was within an AONB.

Luke Patten addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He had lived in the area for 48 years and the house would be used by his family, who were part of the local community. This was a very contaminated site, with clean-up costs of up to £80,000. This dictated the viability of the site. A contemporary design had been submitted initially but this had led to

objections. Following discussions with planning officers a more traditional design that reflected the vernacular had been submitted. The Planning Officer and the heritage expert were supportive of the proposal. There was a consensus that the site needed to be developed, and the proposed dwelling would have smaller footprint than the existing building.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He agreed that a residential use was appropriate for the site. The site was complicated by the presence of the telephone exchange. There was concern that the proposed new building would be taller than the telephone exchange building. Further negotiations on the design of the proposed building might find some common ground and a more acceptable design. A reduction in the height of the building would be welcomed.

The Planning Officer explained that only a small element of the building was higher than the telephone exchange building. Therefore it was not considered to be significantly detrimental to the street scene or the AONB. The Major Developments and Projects Manager explained that it was important to look at how the building related to others in the AONB. This included issues such as bulk, mass and materials as well as the height. In terms of the pitch of the roof, materials and narrow form the proposed building was in keeping. It was modestly scaled and the height of the eaves was much lower than the telephone exchange building. It was difficult to see how the proposed building could cause harm to the street scene or the AONB, especially in comparison to the existing building.

Members of the Committee acknowledged the concerns of the Parish Council but noted that this was a difficult site. The difference in height with the telephone exchange was minimal and it was noted that there was also a three storey building opposite the site. Therefore it was difficult to see what demonstrable harm the application would cause to the street scene and the character of the area. There were no overlooking issues and the building had been carefully designed. It was also noted that Permitted Development Rights would be withdrawn.

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

524 171518 Cambian Fairview, Boxted Road, Colchester

The Committee considered an application for the retention of the existing maintenance compound at Cambian Fairview, Boxted Road, Colchester. The application had been referred to Committee because it had been called in by Councillor Goss. The Committee had before it a report in which all information was set out.

Eleanor Moss, Planning Officer, presented the report and assisted the Committee in its

deliberations.

Malcolm Nicholson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of local residents. There was concern that the site was overdeveloped, and it was noted that the compound had been built without planning permission. Previous conditions imposed had required the introduction of suitable travel plans, but parking outside the site remained an issue and this was exacerbated by the loss of parking resulting from the compound. Whilst the proposals to ensure staff used the stadium or the Park and Ride site were noted, he was not convinced this was a serious attempt to deal with the issue. According to the North Essex Parking Partnership a residents parking scheme would not be introduced before 2020.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee in support of the comments made by Mr Nicholson. The site had recently changed ownership. There was no concern over the appearance of the compound. However, the planning conditions imposed on previous applications should be adhered to. It should be noted that when the Community Stadium was built, Boxted Road had been designated as a clear way, apart from this stretch. There was some doubt about the enforceability of the proposed Travel Plan. Should the application be refused, the operators of the site would gain an additional eight car parking spaces which would reduce the pressure on the parking used by local residents.

The Planning Officer explained that the parking was the key issue. Whilst residents had concern about employees from the site parking on the public highway, this was not a matter the planning authority could enforce. There was no highway objection and therefore a refusal on highways safety grounds could not be sustained. She had visited the site a number of times and it was her view that the situation had been improved by the introduction of the new measures by the applicant.

Members of the Committee expressed sympathy with local residents concerns about the impact of the compound on the availability of on-street parking. However, the long term solution to this issue was through the introduction of a residents parking scheme by the North Essex Parking Partnership. The Committee considered that granting a temporary permission would give an opportunity to see whether the new measures proposed under the applicant's Travel Plan ameliorated the position. The temporary permission would need to be for a significant period to allow for a proper assessment of its effectiveness. In addition it was suggested that the Travel Plan be referred to Colchester Borough Council's Travel Plan Club for approval.

RESOLVED (UNANIMOUSLY) that the application be approved on a temporary basis for a period of 18 months subject to the conditions and informatives set out in the report and amended to require that the applicant's Travel Plan be referred to Colchester Borough Council's Travel Plan for approval.

525 Changes to the Scheme of Delegation

The Committee considered a report by the Assistant Director Policy and Corporate concerning two minor changes to the Scheme of Delegation to Officers to clarify one category of delegated powers. This was to remove reference to the term 'Conservation Area Consents' which no longer existed, and to allow the refusal of applications where a Section 106 agreement was required, but was not being provided by the applicants, without referral to the Planning Committee.

RESOLVED (UNANIMOUSLY) that the wording of Paragraph 1 of the Scheme of Delegation to the Assistant Director Policy and Corporate from the Planning Committee by the removal of the struck through bold text and addition of the underlined bold text in sub-paragraph 1(d) as set out below:

1. The determination of all planning applications irrespective of scale and size (including changes of use and all applications for Listed Building Consent, Conservation Area Consent, Certificates of Lawfulness, applications for the determination as to whether prior approval is required, consent to display advertisements and other notifications) except any application:

.....

d) which constitutes a major application, that is recommended for approval and where a section 106 Agreement is required (excluding unilateral undertakings).