

PLANNING COMMITTEE

11 JULY 2013

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Peter Chillingworth*, Helen Chuah*,
Stephen Ford, Cyril Liddy*, Jon Manning, Philip Oxford
and Laura Sykes*

Substitute Members :- Councillor Brian Jarvis for Councillor Sonia Lewis
Councillor Beverly Davies for Councillor Jackie Maclean

(* Committee members who attended the formal site visit.)

24. Minutes

The Minutes of the meetings held on 6 June 2013 and 20 June 2013 were confirmed as a correct record.

25. 130129 - Aim Hire Site, Hawkins Road, Colchester

Councillor Chillingworth (in respect of his previous consultation work with the Agents) declared a non-pecuniary interest in these items pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for a new planning permission to replace extant planning permission 081852 in order to extend the time limit for implementation for the erection of 63 residential units and 823 Sq m of commercial floorspace with associated car parking and provision of a river walkway connecting with the Colne Causeway. The Committee had before it a report and amendment sheet in which all the information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) subject to the completion of the Section 106 Legal Agreement within six months of the date of the Committee meeting to provide to following –

- £78,710 contribution for education provision;
- £132,116 contribution to public open space and recreation;
- £234,805 contribution to off-site affordable housing provision; and
- £40,000 contribution to community facilities,

authority be delegated to the Head of Commercial Services to approve the application, subject to the conditions set out in the report and amendment sheet.

(b) In the event that the Section 106 Legal Agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the

application.

26. 130754 - Land Rear of Laurel Cottage, Layer Breton, Birch and Winstree

The Committee considered an application for a new dwelling house and garage. The Committee had before it a report and amendment sheet in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be refused for the reasons set out in the report and amendment sheet.

27. 131000 - 34 Ambrose Avenue, Colchester

The Committee considered an application for a proposed extension and alterations. The Committee had before it a report in which all the information was set out.

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

28. 131090 - 7 The Rayleights, Drury Road, Colchester

The Committee considered an application for a garage conversion to form an extended kitchen diner. The Committee had before it a report in which all the information was set out.

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

29. 130672 - Welshwood Manor, 37 Welshwood Park Road, Colchester

Councillor L. Sykes (in respect of her attendance at the area's Jubilee celebrations as Deputy Mayoress) declared a non-pecuniary interest in these items pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the erection of an Annexe to the Residential and Nursing Care Home to provide 10 bedrooms, a landscaped parking area and closure of the residential access following the demolition of the existing building. The Committee had before it a report and amendment sheet in which all the 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.

Mr Mark Russell, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Peter Halliday, Chairman of the Welshwood Park Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He spoke of his belief that such a commercial enterprise was not appropriate in a residential area. He highlighted that a covenant excluding conversion into a nursing home applied to all properties in Welshwood Park Road. He drew attention to the parking problems and issues with overflowing sewage experienced in the area. He also stated that an Oak tree with several years left shouldn't be felled to make way for this development.

Mr Ted Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He spoke of the discussion with Planning Officers to create a suitable development. He said the proposal was in keeping with the local area. He also addressed assertions that the residential home was growing exponentially, stating that only two beds had been added in the past 20 years. He believed that there would be a very minor increase in traffic as a result and reiterated the point that the tree to be felled was in poor condition.

Councillor Gamble attended and, with the consent of the Chairman, addressed the Committee. He emphasised that the commercial nature of this development was not appropriate for the area and that the parking was inadequate, suggesting that a travel plan was needed. He stated that the damage to the Oak tree within the site could be reversed. He requested that the Committee refuse the application on the grounds of parking, design, overlooking, noise and flooding. If this could not be done, he urged that conditions to protect residential amenity be put in place.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He suggested that the loss of the Oak tree was unnecessary. He pointed out that several alternative sites for the development were available in the Ward, which would be more appropriate for commercial development. He also suggested that providing two parking spaces for staff was unreasonable when considering staff cross-over and training.

The Committee was impressed with the design of the proposal, suggesting it fitted in well with the eclectic housing designs in the area. It was highlighted that there was a need for care homes and that, although technically commercial, it was a residential care home being proposed. It was agreed that the felled tree should be replaced, although Members then agreed that this did not require a separate condition to the landscape conditions recommended. It was also suggested that a travel plan should be provided by condition.

It was explained by the Principal Planning Officer that any covenants on the land were a matter for the Courts, not this Committee. He also explained that the maximum amount of parking had been provided, along with a disabled space. He also reiterated that the Oak was category C and this should not constrain the development. This had been agreed by the Arboricultural Officer.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report and amendment sheet with the addition of a condition providing for a Travel Plan to be put in place prior to use of the development.

30. 131093 - 206 Shrub End Road, Colchester

The Committee considered an application for a single storey rear extension to form an enlarged kitchen / dining area and internal alterations to form a ground floor w.c. The Committee had before it a report in which all the information was set out.

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

31. 130789 - Land Adj to Floral Acres, London Road, Stanway

Councillor Davies (in respect of her trusteeship of the Colchester CVS) and Councillor L. Sykes (in respect of her being a Ward Councillor and involved in the formation of the Stanway Masterplan) declared a non-pecuniary interest in these items pursuant to the provisions of Meetings General Procedure Rule 7 (5).

The Committee considered an application for a proposed mixed use development to provide 1,329 Sq m GIA of incubator floorspace (limited to use classes B1 – B8), a 470 Sq m GIA restaurant (use class A3), a 200 Sq m GIA drive-through coffee shop (use class A1 / A3), associated means of access and other associated works. The Committee had before it a report and amendment sheet in which all the 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.

Mr Mark Russell, Principal Planning Officer, attended to assist the Committee in its deliberations.

Ms Liz Goodall addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained that she was speaking on behalf of the residents from 169 to 171 London Road. She stated that she was not opposed to the application in general, purely the access road parallel to the boundary of their gardens. This would be within eight metres of the garden, which resulted in concerns regarding noise, exhaust fumes, health and litter.

Mrs Jane Gee addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She stated that the Tollgate Business Partnership Ltd. had been committed to improving Stanway since the 1980's. She explained that the equivalent of 110 full time jobs would be created by the development and that the section 106 agreement would generate a great deal of

benefits.

Councillor Maclean attended and, with the consent of the Chairman, addressed the Committee. She stated that the site had been marked for development for a long time. A survey had been undertaken which suggested that restaurant and recreation use was the most desirable, which was the aim of this development. The proposal would smarten up the area, create employment and was sustainable. She urged the Committee to support the proposal.

The Committee, while supporting the application, sympathised with the objectors. It was requested that the condition regarding treatment of the boundary be expanded to include the provision of acoustic fencing to protect amenity. It was also requested that a condition be added to secure disabled parking for each element of the proposal.

RESOLVED (UNANIMOUSLY) that –

(a) subject to the completion of the Section 106 Legal Agreement within six months of the date of the Committee meeting to provide to following –

- £5,000 contribution (towards £40,000 cost of Stanway Community Bus (operated by Colchester CVS));
- £5,000 Membership of Business Travel Plan Club; and
- The construction and completion of the three elements of the scheme simultaneously,

authority be delegated to the Head of Commercial Services to approve the application, subject to the conditions set out in the report and amendment sheet with the amendment of condition 20 to refer to acoustic fencing and the addition of a condition to secure sufficient disabled parking spaces.

(b) In the event that the Section 106 Legal Agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the application.

32. 130930 - Plot 2, Land to the South West of Nathan Court, Blackheath, Colchester

The Committee considered an application for the construction of a detached two bedroom house with parking area. The Committee had before it a report in which all the information was set out.

Ms Lucy Mondon, Planning Officer, and Mr Lee Smith-Evans, Urban Design Officer, attended to assist the Committee in its deliberations.

Mr Gordon Parker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that this

design resulted from discussions with Planning Officers. A more dramatic design was created as the site was on the entrance to Nathan Court.

Councillor Mudie attended and, with the consent of the Chairman, addressed the Committee. He explained that, while he approved of the new design, the parking on the site concerned him. The parking consisted of two small spaces, which would require parallel parking. He suggested that the spaces needed to be longer, although this would increase the hard standing on the site.

It was explained by the Urban Design Officer that the new design was intended to create a visual richness while still being sympathetic with the surrounding area.

The Committee was impressed with the design and suggested that, although such parking arrangements would not be appropriate for all developments, for this proposal they were considered acceptable.

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

33. 130572 - 44 St Christopher Road, Colchester

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

The Committee considered an application to vary condition 3 (opening times) of planning permission 121543 to extend the hours of opening to 10:00 – 22:00 hours, seven days a week. The Committee had before it a report in which all the information was set out.

Mr Simon Osborn, Planning Officer, attended to assist the Committee in its deliberations.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He reminded the Committee that the original application for change of use on this site attracted a significant amount of objection. He stated that there had been several breaches of condition. The site generates a lot of traffic and litter within the estate. He suggested that the hours be altered to coincide with those of the fish and chip shop nearby, so the later opening hours from Monday to Saturday were balanced out with closure on Sunday.

It was explained by the Planning Officer that the Committee didn't have the power to alter the Sunday opening hours but could purely decide to accept or refuse the hours applied for.

The Committee requested that the Environmental Team continue to monitor the site for any breaches of condition.

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

34. 130661 - 1 Perry Road, Tiptree

The Committee considered an application for the erection of a detached 3 bedroom dwelling within the garden of 1 Perry Road, served by a shared access with the host dwelling. The Committee had before it a report in which all the information was set out.

Mr Peter Hill, Planning Officer, and Mr Lee Smith-Evans, Urban Design Officer, attended to assist the Committee in its deliberations. He drew attention to paragraph 14.2.2 of the report, which should read "...with it's stem less than 1.4m from the site and boundary and less than 3m from the proposed new dwelling." He also explained that the recommendation contained one reason for refusal, not four.

Mr Ted Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He disagreed with the report and the recommendation for refusal. He suggested the site was an infill development that addressed Maldon Road without being overbearing. He also suggested that he and the applicant had not had sufficient time to consider the Arboricultural Officer's comments, included in the amendment sheet.

Councillor Martin attended and, with the consent of the Chairman, addressed the Committee. He believed that the property faced both roads and was a welcome break from the traditional grey housing currently on the street scene. He pointed out that if design was the main problem, that was largely a subjective decision and not easily measurable.

Mr Andrew Tyrell, Planning Manager, explained that the development fronted Perry Road, as that was where it gained its access and that the site layout appeared to have the characteristics of backland development and no infill. Moreover, the design was constrained by size limitations which indicated that although, in principle, the development could be acceptable, the site was not suitable in this instance.

The majority of the Committee agreed that the development did not fit well within the site or within the street scene.

It was explained that by the Planning Officer that the Arboricultural Officer's comments were within an internal consultation where there was no statutory requirement to seek revisions from the applicant or agent and the recommendation did not hinge of the comments made. He also stated that the root protection zone of the tree was 6m from its centre, which was encroached by the development.

RESOLVED (NINE voted FOR, ONE ABSTAINED) that the application be refused, for the reasons set out in the report.

35. 130794 - The Drury Arms, 1 Layer Road, Colchester

The Committee considered an application for the erection of a single-storey rear extension, plant and bin store, external alterations (including the provision of an ATM and new glazed entrance), new vehicular access and associated hard standing for a car park, service and delivery area and a 1.8 metre high boundary wall. The application had been deferred from the meeting on 20 June 2013 in order to gather further information relating to design and parking facilities and the further consult with the Highway Authority. The Committee had before it a report and amendment sheet in which all the information was set out.

Ms Lucy Mondon, Planning Officer, attended to assist the Committee in its deliberations.

Ms Sue Beard addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She claimed the proposal constituted overdevelopment. Considering that delivery vehicles would have 'just about' enough room to manoeuvre off the site, she suggested that once the site became occupied, obstructions would make negotiating entry and exit impossible. She suggested that the comparison between pub use and convenience store use was inappropriate as the two attracted a different type of car use. She stated that an ATM would attract additional journeys to the site, otherwise it would not be viable.

Mr Dave Onions addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that the applicants had addressed all the issues requested by the Committee, providing a Heritage Statement, more disabled parking and altering the 'L' shaped nature of the extension. He also stated that the development offered many benefits including a widened pavement and refurbishment. They had been scrutinised by the Highways Authority three times and no objections had been raised.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. She raised concerns regarding the strip of land on the site which had been excluded from this application, believing this to be reserved for further development that would take access from the current site. She stated that the design of the extension was contrived and would dramatically alter the building. She suggested that the boundary wall would not cover the extension. She urged the Committee to protect the area's old public houses.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee. She stated that this development would impact on the lives of those living in the surrounding area. She suggested that not all the strands of the National Planning Policy Framework (NPPF) were present the development was against policy, these being economic, social and environmental. She claimed that the design distracted from the original building and that parking was insufficient. She urged the Committee to consider the safety and amenity of the residents.

It was explained by the Planning Officer that a convenience store could set up operation within the building, as it is currently, without planning permission. As such, the

Committee should be considering the impact of the extension only. She also explained that not all three strands of the NPPF needed to have a positive effect, they could be neutral.

The Committee stated that all of the issues arising from discussions at the previous meeting had been addressed and believed the proposed development was as favourable as possible, although the Committee disagreed with the lack of objection from the Highway Authority.

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