

PLANNING COMMITTEE
16 APRIL 2009

Present :- Councillor Ray Gamble* (Chairman)
Councillors Mary Blandon*, Nigel Chapman*,
Peter Chillingworth*, Helen Chuah*, Mark Cory,
John Elliott*, Stephen Ford*, Wyn Foster*, Chris Hall
and Sonia Lewis*

Substitute Member :- Councillor Jon Manning for Councillor Nigel Offen*

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

Councillor Hall was not present for the determination of the application agreed under the en bloc arrangements, minute no. 253 refers.

250. Minutes

The minutes of the meeting held on 2 April 2009 were confirmed as a correct record.

251. 090020 Garrison Area P1, Ypres Road, Colchester

The Committee considered an application for the erection of a residential care home, use class C2, comprising 60 bedrooms for residential care, extra care sheltered apartments, a staff overnight facility and associated car parking. The number of extra care sheltered apartments had been reduced from 38 in the application description to 37, see Amendment Sheet. The site currently has permission for residential use, class C3. The Committee had before it a report in which all information was set out, see also 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.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Robert Taylor, Taylor Wimpey Project Manager for the Garrison Development addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Klh Architects were specialists in this sort of development. This was a well designed building which would be a credit to the area. It was in the right position adjacent to the Medical Centre and overlooking a nature reserve. It was a good scheme for which all suggestions and guidance received from planning officers had been taken on board.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He referred to the need for this type of facility in Colchester and he noted that the issues on which he had intended to address the Committee were addressed on the Amendment Sheet. The site was within walking distance to the town. The

proposal is for three storeys, one storey less than the outline residential permission, which would lessen the potential impact of the development on residents. He wanted the boundary railings, now in a poor state of repair, to be improved and also requested a condition restricting the delivery times of goods to the care home to ensure that residents nearby are not disturbed. He questioned whether the number of parking spaces was sufficient and requested a notice encouraging users to avoid undue noise in the car park area in the interests of protecting the amenity of neighbours.

Members of the Committee raised the following issues:-

- whether there were sufficient parking spaces;
- the distance of the new building from nearby dwellings being within the parameters in the Design Guide which effectively protected residents' amenity;
- a request for a condition requiring the concrete boundary wall to be improved, the railings to be painted white, the pointed top of the railings made less dangerous, the red brick entrance to be made more presentable, and the Highways Authority to ensure the grass verge was maintained;
- opposing views were voiced on the demand for, or excess of such facilities;
- there was general agreement that this was a good scheme and that it should remain as a care home and furthermore, that it should not be extended in the future;
- the comment from Adults Health and Community Well Being regarding the need for an ambulance access or covered area for people alighting from vehicles was supported.

It was explained that Essex County Council had confirmed that there is a need for this type of facility, particularly the extra care units. The scheme formed part of the overall garrison development and the units would count towards the 2,600 dwellings required. It had been specifically designed for C2 use, residential institution, and whilst it could be converted to conventional apartments, it would not be possible to provide sufficient parking spaces, hence the additional condition restricting the use to residential institution on the Amendment Sheet. Any external alteration would require a separate planning application. The parking provision followed guidance for residential institutions which when calculated was 47 spaces. It was also mentioned that it was unlikely that the frail and elderly extra care residents would require car parking. A note could be added to require signage in the car park to remind users to keep the noise levels down. Conditions could be added covering the refurbishment of the boundary wall and railings, to secure the ambulance access/covered area and to restrict the times of deliveries to the care home.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Deed of Variation to link this application to the original Section 299A agreement.

(b) Upon receipt of a satisfactory Deed of Variation, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives to cover the matters listed in the report together with the following

additional matters:-

- a scheme for the repair of Berechurch Road boundary wall and improvements to railings (white painted);
- deliveries to care home restricted to the hours of 8.30am to 6.00pm, or as may otherwise be agreed with the local authority;
- provision of covered entrance to foyer for ambulance use as suggested by Essex County Council Well Being Officer;
- signage to be placed within the car park area encouraging users to avoid undue noise in the interests of protecting the quiet and amenity of the adjoining residential area.

(c) The Case Officer to write to Essex County Council Highways advising them of the Committee's concern over the poor condition of the roadside verge to Berechurch Road.

252. 090234 57 North Station Road, Colchester, CO1 1RQ

The Committee considered an application for a change of use from Class A1 (retail) to Class A3 (restaurant and cafe). The site falls within Mixed Use Area C and the application if granted would result in the loss of a retail use in a part of North Station Road which is already heavily dominated by A3 and A5 uses. The Committee had before it a report in which all information was set out.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Garrett addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had lived in the area for 53 years and would be affected by the proposal which was close to his property. When he moved to the locality there were three such establishments, now there are fifteen between the bridge at Middleborough and The Albert roundabout; the area was saturated with eating establishments and the mix was too biased towards eating and fast food establishments. There was insufficient parking and people would be forced to park illegally and on footpaths forcing pedestrians into the road. There would be an increase in noise, particularly from extraction units, smells, traffic and litter. Delivery drivers would use his road as a rat run.

Mr Yamak addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He commented that this was a commercial and mixed use area. He believed that the application was in line with the council's planning policies. It was proposed that the A3 use was to be a Turkish restaurant which would bring character to the town, especially in the current recession. Ten outlets in the street had closed and it will be a benefit for there to be a restaurant here. There were no Turkish restaurants in Colchester. Any noise would be restricted to opening hours and could be controlled. Litter could be dealt with by litter collections. Local parking was provided in two car parks close to the river.

Councillor Barlow attended and, with the consent of the Chairman, addressed the Committee. This site was within the North Station Regeneration Area which had been omitted from the report. Generally it is A3/A5 use within the block. There was no differentiation between a restaurant and a chip shop within the bracketed A3/A5 use which had been used in the assessment of the mix of development types in the vicinity. This is an application for A3 use only and he wanted consistency.

Members of the Committee commented on a number of issues. If the area was included as one of the regeneration areas in the Core Strategy this would allow for regeneration and growth. There was some recognition that the area was not currently a good approach to the town. There were queries on whether conditions could be imposed to prevent this outlet from becoming a takeaway facility, whether an environmental impact study on the extraction unit could be investigated, whether this proposal would be an upmarket outlet, and what was the likelihood of the unit continuing as a retail shop.

It was explained that whilst the application is not clear cut, the planning officer has walked the area and come to the conclusion that this is in a part of the street where there are a lot of A3/A5 outlets. North Station is a regeneration area and a gateway into the town within which the public realm, including the shops, is prominent. The planning policies which applied to the area were CE2, which promotes a mix of development types, and Local Plan policy TCS7 which gives guidance for development proposals within this mixed use area. The effect of these policies was explained in paragraphs 8.3 to 8.5 of the report. The quality of the establishment cannot be controlled by planning, the designation of 'restaurant' covers the whole range. In this particular part of the street there is a concentration of one use which is considered to be contrary to the applicable policies. The recommendation is based on current policies which require that the mix of uses be maintained. In addition, it must be demonstrated to the council that it is possible to control the adverse impacts on the area. It was important not to accept the principle of the use and then find it cannot be controlled.

RESOLVED (UNANIMOUSLY) that the application be refused for reasons that it is contrary to policies CE2 and TCS7, relating to retaining a mix of uses in the Mixed Use Area C, as set out in the report.

253. 090254 37 Welshwood Park Road, Colchester, CO4 3HZ

The Committee considered an application for a two storey rear extension to an existing nursing and residential care home. The extension is to allow for an internal rearrangement to upgrade bedrooms and washing facilities in line with Government legislation. There would be no increase in the number of occupants from the current maximum capacity of 34 residents and there should not be a significant increase in activity at the premises as a result of the proposal. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and

informatives as set out in the report.

254. 090274 Playing Field, Robletts Way, Wormingford, Colchester, CO6 3AF

This application was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services.

255. 081848 Land adjacent to All Saints Church, Halstead Road, Eight Ash Green

The Committee considered a reserved matters application for plots 13, 14 and 15 of outline permission O/COL/02/0306. The three plots each comprise two storey four bedroom dwellings with garaging to form a frontage onto Blind Lane. The Committee had before it a report in which all information was set out.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Ambrose addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Blind Lane was not maintained by the Highways Authority, the borough council or the parish council, but by those residents whose properties front on to it at their own cost. The Highways Authority reaffirm that its upkeep is not their responsibility. The building plot has never had an access onto Blind Lane which is a footpath. The new estate road and Blind Lane will form a horseshoe, but the Blind Lane/Halstead Road junction is at a bend in Halstead Road where accidents will occur. Other issues are location and position. The proposed dwellings have grown in size and footprint. Their height is over powering and out of keeping with the area as they are 1 to 2 metres higher than the existing older adjacent properties.

Councillor Willetts attended and, with the consent of the Chairman, addressed the Committee. The local community is mainly concerned with the highways aspect. The junction opposite this development is part of the road running from the A12 to West Bergholt. When the application first came forward, the borough council and ECC Highways Authority both wanted to see Blind Lane stopped up. There is no visibility to the right when exiting from Blind Lane. He was relieved to see from Condition 10 there will be a vision splay but he was unclear what vision splays can be provided because of the geometry of the area and the small lots of land owned by the development fronting on to whole side road. He considered it would not be possible to provide a standard sight splay. The number of houses represents a significant impact. He questioned how the dangerous exit from this development was going to be allowed; what style of site splay could be provided; and how was it going to be made safe as part of this development.

It was explained that outline approval was granted in the knowledge of the access arrangements onto Halstead Road. There will be an access from Halstead Road on

to Blind Lane which can be used by the three new dwellings proposed. It is proposed to improve the visibility splay and it is possible to achieve the standard visibility splay to the left on land which is within the applicant's site, however the wall of the neighbouring property does not allow a standard sight splay to the right. Residents will be able to exit via Blind Lane and on through the new access road serving the other part of the development, but it is not possible to enforce a one-way exit route, nor is it considered appropriate to condition a mini roundabout at the Blind Lane junction. Legal advice has been obtained that the applicants have demonstrated that they have right of access over the land. The Highway Authority were mindful of the history of the site. Whilst the new dwellings were larger than vernacular buildings they were considered to be along traditional lines.

The Chairman reminded members of the Committee that they should look at the situation as it stands. Members of the Committee considered this to be a difficult situation and had some sympathy with objectors regarding access. The mini roundabout appeared to be a possible solution but there will be traffic problems. The properties were well designed which has been confirmed by the design team and many villages have large houses fronting on to the road. It was suggested that the Highway Authority be notified of the Committee's views and proposed that a study be undertaken to see if the situation can be improved.

RESOLVED (MAJORITY voted FOR) that –

- (a) The application be approved with conditions and informatives as set out in the report.
- (b) The Case Officer to write to Essex County Council Highways with a request that consideration be given to the installation of a mini-roundabout or other appropriate highway improvements within the highway adjacent to the Blind Lane access.

256. 090021 48 St Christopher Road, Colchester, CO4 0NB

Consideration of this application was deferred to the next meeting on 30 April 2009 to enable video footage to be shown of the recycling unit in operation.

257. 090022 19 Bromley Road, Colchester, CO4 3JF

Consideration of this application was deferred to the next meeting on 30 April 2009 to enable video footage to be shown of the recycling unit in operation.

258. Enforcement Action // Land at 185 Shrub End Road, Colchester

The report was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services.

259. Enforcement Action // Roberts Farm, Mount Bures, CO8 5AZ

The report was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services.

260. Deed of Variation // Horkesley Green Development, Formerly Tile House Farm, Great Horkesley

The Head of Environmental and Protective Services submitted a report seeking authorisation for an existing legal agreement under Section 106 to be varied by a deed to change the status of affordable housing units from shared ownership to social rented accommodation to be let and managed by Colne Housing Society Limited. The Committee had before it a report in which all information was set out.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. It was explained that this matter related to only four affordable units on the Mersea Homes part of the scheme. The request had been made because of market forces. Further comments from the landlord clearly indicate that if circumstances changed they would have no objections to the tenure reverting back to shared ownership.

RESOLVED (UNANIMOUSLY) that the proposed deed of variation to the original Section 106 agreement be endorsed to provide for a change of tenure from shared ownership to social rented on four units on the Mersea Homes part of the scheme.