

PLANNING COMMITTEE

30 JUNE 2011

Present :- Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, Stephen Ford,
Peter Higgins*, Theresa Higgins*, Sonia Lewis*,
Jackie Maclean, Jon Manning, Philip Oxford and
Laura Sykes*

Substitute Members :- Councillor Will Quince
for Councillor Christopher Arnold*
Councillor Marcus Harrington for Councillor John Elliott*

Also in Attendance :- Councillor Nick Barlow
Councillor Bill Frame
Councillor Paul Smith

(* Committee members who attended the formal site visit.
Minute no. 23, Councillor Quince was not present for this
site visit.)

18. Minutes

The minutes of the meeting held on 16 June 2011 were confirmed as a correct record.

Councillor Marcus Harrington (in respect of a member of his close family being a resident of Welshwood Park) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

19. 110981 Corner of Parsons Heath and Welshwood Park, Colchester

The Committee considered an application to determine whether prior approval was required for the installation of a new street works pole of 12.5 metres to the top with three antenna located with the GRP shroud at the top of the pole, along with one ground level streetworks cabinet measuring 1.89 metres x 0.79 metres x 1.65 metres in the location indicated on plan nos. 100, 200a, 300a and 400a. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Simon Osborn, Planning Officer, attended to assist the Committee in its deliberations. He referred to the application having been considered on 17 March 2011 and that, as the Committee had requested, the company had re-sited the equipment cabinet at the edge of the grass verge close to the boundary with no. 2 Welshwood Park Road. He confirmed that the application included an ICNIRP Certificate which took into account the cumulative effect of all base stations.

John Peartree addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. As at the meeting on 17

March, he referred to his medical condition having been diagnosed in 2003 and his consequent avoidance of radiation. His condition had not worsened since that time. Recently, he had understood from a Mr Stephenson at Vodaphone that the company were not progressing this site but would be reconfiguring the Parsons Heath site instead. To his great dismay, he had since learned of this application and when he attempted to contact Mr Stephenson he discovered that he had left the company. He had contacted Vodaphone and whilst they did not deny he had been given an assurance, they did not give him the reassurance he sought. Since the March meeting the World Health Organisation had moved mobile phone emissions up the danger list and they were now classified as possible carcinogens. He understood the only matters on which a mobile phone station could be refused – siting, design and human rights. He urged the council to refuse the application on the grounds of siting, because it was close to an Area of Special Character. The equipment was for 3G traffic and he did not think he should suffer in order that visiting trades people could check their emails.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He referred to Mr Peartree's condition affecting only 1 in 100,000 of the population. He believed this was a very exceptional circumstance and it was unfortunate that his property was the most affected by the mast. PPG8 Telecommunications was concerned with general matters not matters specific to the individual. He asked the Committee to look at this situation very carefully and following the change in personnel the company had not acted in the best manner. This was a serious situation for one individual and it would have a significant impact on his health and the fear is a serious concern on his human rights. He also urged the Committee to take up the interests of this individual in this rare set of circumstances where commonsense should prevail.

Members of the Committee were very sympathetic towards Mr Peartree's circumstances which put them in a difficult position. It appeared that Mr Peartree did not have a written medical statement from a practitioner to say there was a danger of his health deteriorating because of the mast. If the Council refused the application the applicant would undoubtedly appeal which would be successful, if the Council did not respond within the 56 days permission would be deemed to be granted. There did not appear to be enough time to ask the company to consider other sites. Challenging the mast on health grounds would be difficult given that a Declaration of Conformity with the ICNIRP requirements had been submitted. They considered that they could not refuse this application on the grounds of siting, of being out of character with the area, nor on health grounds.

The planning officer explained that the company had looked at a number of alternative sites but none were available that would provide the coverage they required. Several members of the Committee wanted the planning officers to ask the company to reconsider the site. However, the Council was required to determine the application on its own merits and it could not delay the decision to assist the phone company to find an alternative site. The mast would have the trees as a backdrop and there would not be a great deal of street clutter. The situation regarding health issues was clear and appeal inspectors would follow the guidance. The World Health Organisation report related to the use of handsets not masts and base stations.

RESOLVED (SIX voted FOR, FIVE voted AGAINST and TWO ABSTAINED from voting, the Chairman having exercised his casting vote FOR) that prior approval be granted in full accordance with the application and specification dated 19 May 2011 submitted, which includes the Arboricultural Implications Assessment dated 10 January 2011.

20. 101541 and 101543 Lower Park, Colchester Road, Dedham, CO7 6HG

These applications were withdrawn by the Head of Environmental and Protective Services following comments from English Heritage that planning permission should not be granted for the application as submitted, pending further consideration on the siting and design of the proposal.

21. 102598 Land rear of 53, 53A and 55 Lexden Road, Colchester, CO3 3PZ

This application was withdrawn by the Head of Environmental and Protective Services so that all the relevant planning history can be reported to the Committee to enable it to make a properly informed decision.

22. 110818 and 110820 33-35 Manor Road and 1A Rawstorn Road, Colchester

The Committee considered an application for Conservation Area Consent, 110818, a resubmission of 102618, and a planning application, 110820, a resubmission of 102601, for the proposed demolition of disused office accommodation at 33-35 Manor Road and the construction of a new residential development consisting of four one-bedroom flats and one two-bedroom flat and associated car parking and private amenity area, and the conversion and extension of the existing residential office development at 1A Rawstorn Road to form one three-bedroom house and two two-bedroom flats and associated car parking and private amenity space. 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.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Potter addressed the Committee on behalf of St Mary's Residents Association pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He would have welcomed a sympathetic development within the mostly Victorian terrace housing in the area, but he considered the proposal to be overdevelopment within the Conservation Area. He also considered parking to be a problem. He referred to the gain of five or six parking spaces last year within the residents parking scheme but this development would make the situation worse than

before with a potential demand for another seventeen parking spaces. He believed the Rawstorn Road development would have no amenity space, and parking had been sacrificed for bedrooms. All thirteen new residents could all have cars which were likely to park in the street, as were visitors and second car owners in the family. He acknowledged that the current building in Manor Road had outlived its useful life but considered that the new development would dominate the road because it filled the entire site. Also construction may cause obstruction to business premises and some of the shops in Crouch Street. There were only five parking spaces in the undercroft which, for twelve residents, would cause problems.

Joseph Greenhow, Edward Gittins & Associates, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. From Rawstorn Road the existing building jars with the character of the surrounding buildings. From Manor Road the vacant building was less intrusive but was dated and uninspiring. This development represented an opportunity to secure a marked improvement and increase the housing stock. Residential uses were in keeping with surrounding use. A dozen local objections were noted. However, the scale of the new building generally follows the height, mass and bulk of the existing building. In Manor Road, the penthouse was recessed back by six metres. The development would normally require 12 car parking spaces plus 2 visitor spaces, but it had been possible to relax the standards because the development was in close proximity to services. The nine spaces represented a net gain. In respect of daylight and amenity, a small number of residents were concerned about the patio area and overlooking. However this area had been removed so there would be no material harm caused. This development represented a unique opportunity to remove a sub-standard development and it fits in with properties in the Conservation Area.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. The developer had replicated the design in Manor Road which was incongruous in that area. The parking provision was deficient. From Rawstorn Road the development did not raise too many issues and the overlooking window could be resolved. He was concerned about the Manor Road frontage and its mass and incompatibility with the street scene. He understood that flats were appropriate in this area but he would have preferred a development more sympathetic to the two storey Victorian houses in the area. The Design and Heritage team were ambivalent about whether or not this was a good scheme, but he did not believe this was a correct interpretation with the way St Mary's should be developed in the future. The amenity provision reaching minimum standards was just about sufficient, but it could have been improved. The development from Manor Road was not a suitable way of developing that plot. He wanted the Committee to try for a better scheme.

Members of the Committee raised some minor issues in respect of there not being sufficient cycle parking spaces, one space per dwelling and one visitor space was preferred, and there was insufficient amenity space for drying washing. One member considered that the development was one flat too many and there was also a concern that some elements of the development were not tolerable and that it could create a chronic parking problem. However, most members of the Committee were reasonably content with the scheme and it was recognised that there had been an attempt to improve the visual appearance. From Manor Road the development reflected a similar

terrace and it was considered that it did not have any ill effect on the Conservation Area. The penthouse was set back and would probably not be visible from Manor Road. There was one window in Rawstorn Road that required a condition to ensure that the lower part of the window should be obscured glazed to prevent overlooking but as it served a bedroom the upper pane should be clear glazed. The development was considered to be satisfactory for town living. It was considered that visitors should not be permitted to apply for a residents parking permit, but it was explained that it would be possible to add this as an informative only. There was a request that the development should include clearing up the footpath from Rawstorn Road, but it was explained that this would not be possible because the footpath was outside the red line area of the site, although it was hoped that this development would be a catalyst for improvement in the area.

The planning officer explained that in respect of the parking provision, this was an area where reduced levels of parking were acceptable because of the proximity to all amenities in the town, and the character of the area was a discouragement for people to own cars. The development team had been involved in negotiations on this scheme and had considered that the pastiche style was appropriate. The amenity space provision was not far short of the required 200 square metres which included the balconies, each of which was nearly five square metres. It was agreed that more cycle racks would be a useful addition to ensure residents kept their car use to a minimum. Other amendments mentioned were in respect of obscure glazing provided in the lower pane of the first floor window of the development on Rawstorn Road and it was suggested that to achieve a sustainability accreditation, the development should be required to achieve Code Level 3.

RESOLVED (MAJORITY voted FOR) that –

(a) In respect of application 110820 for planning permission:

(i) Consideration of the application be deferred for confirmation from the agent that the second floor roof terrace facing Manor Road would be omitted and for a Unilateral Undertaking to be signed to provide for contributions towards Open Space, Sport and Recreational Facilities, and Community Facilities in accordance with the Council's Supplementary Planning Documents.

(ii) Upon receipt of confirmation from the agent as indicated above, and a satisfactory signed Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet, together with the following additional conditions:-

- additional cycle racks provided;
- the north facing bedroom window in the Rawstorn Road property to be non-openable and the lower pane to be obscure glazed;
- the development to comply with Code Level 3 of the Sustainable Design and Construction SPD.

and an additional informative requesting residents not to apply for residents parking

permits.

(b) In respect of Conservation Area application 110818, Conservation Area consent be granted with conditions and informatives as set out in the report, see also Amendment Sheet.

23. 101901 Powerplus Engineering Limited, School Farm Buildings, School Road, Langham, CO4 5PA

The Committee considered an application for the provision of thirteen car parking spaces including two disabled spaces and associated hedgerow. 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 proposal upon the locality and the suitability of the proposal for the site.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Tony Ellis, Chairman of Planning Committee of the Langham Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the Core Strategy and two Appeal Inspectors which show a clear rationale why this proposal should not be supported. The Inspector said that it should not be extended into the countryside and this view was also supported by the Council's Spatial Policy Team and residents of Langham. He made reference to a survey of the 150 properties in this area, which had established that one third of residents objected to a plan to expand the site. There were already two employment zones and three other business centres in the village and the parish council was trying to protect the village from further incursions into the countryside. He referred to Powerplus Engineering not employing local residents whilst the Borough Council wanted to reduce car travel. He considered that while this application may seem modest both Powerplus Engineering and another company which shared the site, had fenced off large areas for expansion without planning permission; neither had there been any enforcement action. He did not understand how two Government Inspectors and the Spatial Policy Team were being ignored and he hoped this was an opportunity to correct matters.

Ted Gittins, Edward Gittins and Associates, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to a car parking survey being produced professionally which demonstrated a shortfall of twenty-two parking spaces on this site. The figure was not challenged by any objectors or Spatial Policy. A travel plan had been produced which showed a marginal opportunity to reduce the need for car parking with a target of only 3 car sharing over the next 5 years. A crucial policy issue was DPD9 Employment Uses in the Countryside. Contrary to the previous speaker, the Local Development Framework Development Policy Inspector said that, whilst rejecting a larger site, minor proposals such as this could reasonably be accepted against DPD9 to make provision for car parking to enable firms to expand. This was a Local Employment Zone (LEZ) allocated

in the plan and sits reasonably in these circumstances having regard to the wording of DPD9 to resolve some of the undisputed problems on site. The Committee was requested to help local businesses.

Members of the Committee considered this to be an on balance decision. The Spatial Policy team had submitted a strong objection to this proposal because it may set a precedent. There was also some sympathy with the parish council's view of the situation. On the other hand there was a need for an established company to provide more parking. Parking in School Road was a problem which had to be addressed. The principle of extending this LEZ should be resisted wherever possible, and only allowed in exceptional circumstances. A possible compromise might be to give a temporary consent personal to the applicant for 5 years. It would provide the company with an opportunity to determine if this was the right site in the long term or whether they should consider relocating to a larger site. There was a view that the Committee should be mindful of the current economic climate and support the application with a review of the situation in five years. Some members preferred a 'green' surface treatment to the area.

The planning officer reminded the Committee of the cost of surfacing, removal of the existing fencing together with suitable planting around the reduced area. If members were looking for a temporary permission, it would be necessary to go back to the applicant and if they were agreeable with the temporary period, it would be possible for permission to be granted on a delegated approval. On the other hand if the applicant was not willing to accede to the request, the matter could come back to Committee. If the parish council were concerned about creeping development beyond the boundary of the site they should notify the borough council about unauthorised storage on the site.

RESOLVED (MAJORITY voted FOR) that –

- (a) Consideration of the application be deferred for negotiations with the agent on the basis of a personal permission for a temporary period of five years.
- (b) Subject to the agent's agreement to a personal permission for a temporary period of five years, the Head of Environmental and Protective Services be authorised to grant consent with any conditions and informatives considered appropriate including Condition 10, 'green' surface treatment to be provided, as set out in the report.
- (c) If the agent did not agree, the application to come back to Committee.

24. 110666 Mill House, Mill Road, Marks Tey, CO6 1EA

The Committee considered an application for the provision of a residential annex to an existing dwelling by conversion of an existing garage. The application is a resubmission of 110404. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

informatives as set out in the report.