

**PLANNING COMMITTEE  
2 OCTOBER 2008**

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

*Substitute Members :-* Councillor Jackie Maclean  
for Councillor Nigel Chapman\*  
Councillor Barrie Cook for Councillor Helen Chuah\*  
Councillor Jon Manning for Councillor Nigel Offen

(\* Committee members who attended the formal site visit.  
\*\* Councillor Hall attended the site visit for the item at  
minute no. 115 only.)

## **112. Minutes**

The minutes of the meeting held on 18 September 2008 were confirmed as a correct record.

**Councillor Jackie Maclean (in respect of her knowledge of the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

## **113. 081254 Lodge Farm, Boxted Road, Great Horkesley, CO6 4AP**

The Committee considered an application for a proposed agricultural chilled despatch building extension with loading docks and a new access road.

The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Harris addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He argued that policy CO1 applied to the development. The development was in open countryside which should be protected for its own sake. The development should be viewed as an industrial rather than an agricultural enterprise, as was demonstrated by the fact that 30% of the produce processed was imported. If the development was classified as an industrial, it would be contrary to planning policies.

Mr Rix addressed the Committee pursuant to the provisions of Planning Committee

Procedure Rule 8 in support of the application. The site supported an expanding and sustainable business that employed a considerable number of local people and produced local food for local markets. All buildings were used for agricultural purposes and less than fourteen percent of onions processed were imported. The development was not the sole cause of traffic problems in Boxted Road, which was used as a rat run. A traffic survey completed at a peak time for the business demonstrated that less than 7% of the traffic on Boxted Road was related to the development.

Members of the Committee expressed support for the proposal and considered that this was a successful agricultural development. There were sound business reasons for the expansion and traffic problems would not be exacerbated if the application were approved.

*RESOLVED* (ELEVEN voted FOR and ONE ABSTAINED from voting) that –

(a) Consideration of the application be deferred for completion of a new Section 106 Agreement as referred to on the Amendment Sheet.

(b) Upon receipt of a satisfactory Section 106 Agreement prior to 10 October 2008, the Head of Environmental and Protective Services be authorised to grant planning permission with conditions and informatives as set out in the report and on the Amendment Sheet.

**114. 072831 Area H, The Sergeants Mess, Abbey Field Urban Village, Le Cateau Road, Colchester**

The Committee considered an application for the conversion of existing buildings in residential accommodation to create eleven town houses and four flats with associated demolition and including access, parking and provision of open space.

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 Jephcott addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that arrangements proposed for public access to the area of the Roman Circus starting gates was a poor deal for residents and tax payers of Colchester. The proposed option imposed a financial burden on the Council. Taylor Woodrow were aware of the possibility of archaeological remains when it purchased the site and were now trying to pass the costs of access to significant finds onto the Council. It would be preferable for the Council to own the land and lease it Taylor Woodrow with unlimited access rights for the public as a conditions of the lease. The Council did not fully appreciate the wealth creation opportunities provided by Colchester's historic remains.

Robert Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The existence of the Roman Circus was not suspected when the land was purchased. Taylor Woodrow had a track record of treating historically significant sites and listed buildings on the garrison site with sensitivity. The proposed access arrangements to the area of the Roman Circus starting gates were fair both to members of the public with an interest in the site and to future residents of the properties.

Councillor Theresa Higgins attended and, with the consent of the Chairman, addressed the Committee. The access arrangements to the Roman Circus starting gates negotiated as part of this scheme showed the Council did care about giving members of the public access to this important site. Whilst the Council purchasing the site was the ideal solution, it could not afford to do so. It would be sensible if the location of the Roman Circus was shown on all future plans for garrison sites submitted to the Planning Committee.

Members of the Committee considered that the arrangements proposed for access to the area of the Roman Circus starting gates were the best compromise that could be obtained. It was suggested that the level of use by the public be monitored and the access arrangements be revised with possibly a key to the site being held at Angel Court for responsible interested parties to use.

*RESOLVED* (TEN voted FOR and TWO ABSTAINED from voting) that –

- (a) Consideration of the application be deferred for the following matters:-
- the completion of a Section 106 Agreement to secure the appropriate public access and interpretation of the Roman Circus, and
  - the completion of a signed deed of variation to secure the redistribution of affordable housing across the garrison site.
- (b) Upon receipt of a satisfactory Section 106 Agreement and Deed of Variation, the Head of Environmental and Protective Services be authorised to grant planning permission with appropriately worded conditions and informatives to cover the matters set out in the report.

**Councillor Sonia Lewis (in respect of her membership of the Officer's Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**115. 080710, 080712, 080713, 080716 and 080717 Garrison Area B1b, Flagstaff Road, Colchester**

The Committee considered the following applications:-

- (i) a reserved matters application for the erection of forty-one 2 bedroom flats, relating to blocks B, D, K, L and M, together with a modified access road and public

open space.

(ii) an application for change of use and the conversion of existing buildings to create sixty 2 bedroomed flats and sixteen 1 bedroomed flats, relating to blocks A, G, H, J, I and N, together with a modified access road and public open space.

(iii) a reserved matters application for the erection of B1 commercial accommodation of 680 square metres, including the provision of twenty-four car parking spaces, relating to blocks P and Q.

(iv) an application for Conservation Area consent for the demolition of existing buildings.

(v) an application for a change of use and conversion of existing buildings to create B1 commercial accommodation together with the provision of 116 car parking spaces, relating to blocks C, E, F and O.

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.

Alistair Day, Principal Planning Officer, and Philip Wise, Heritage Manager, attended to assist the Committee in its deliberations.

Robert Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He considered that the suite of applications brought forward a high class, well thought out scheme. As little as possible was being demolished. The Roman Circus was being treated as sensitively as possible and arrangements were in place to ensure public access to the Circus.

Councillor Theresa Higgins attended and, with the consent of the Chairman, addressed the Committee. She welcomed the scheme and the arrangements for public access to Roman Circus.

*RESOLVED* (UNANIMOUSLY) that (subject to the contents of the Amendment Sheet) :-

(i) in respect of 080710: -

(a) Consideration of the application be deferred for completion of a deed of variation to secure the redistribution of affordable housing across the garrison site.

(b) Upon receipt of a satisfactory deed of variation, the Head of Environmental and Protective Services be authorised to grant planning permission with appropriately worded conditions and informatives to cover the matters set out in the report.

(ii) in respect of 080712: -

- (a) Consideration of the application be deferred for completion of a deed of variation to secure the redistribution of affordable housing across the garrison site.
  - (b) Upon receipt of a satisfactory deed of variation, the Head of Environmental and Protective Services be authorised to grant planning permission with appropriately worded conditions and informatives to cover the matters set out in the report.
- (iii) in respect of 080713: -
- (a) Consideration of the application be deferred for completion of a deed of variation to secure the redistribution of affordable housing across the garrison site.
  - (b) Upon receipt of a satisfactory deed of variation, the Head of Environmental and Protective Services be authorised to grant planning permission with appropriately worded conditions and informatives to cover the matters set out in the report.
- (iv) in respect of 080716: -
- (a) the application for Conservation Area consent be approved with appropriately worded conditions and informatives as set out in the report.
- (v) in respect of 080717: -
- (a) Consideration of the application be deferred for completion of a deed of variation to secure the redistribution of affordable housing across the garrison site.
  - (b) Upon receipt of a satisfactory deed of variation, the Head of Environmental and Protective Services be authorised to grant planning permission for a change of use with appropriately worded conditions and informatives to cover the matters set out in the report.

**Councillor Peter Chillingworth, Councillor John Elliott, Councillor Wyn Foster and Councillor Jackie Maclean (in respect of their knowledge of the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Sonia Lewis (in respect of her husband being the applicant) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.**

**116. 081053 and 081054 10 Williams Walk, Colchester, CO1 1TS**

The Committee considered planning application 081053 and listed building application 081054 for the demolition of an existing office extension and outbuildings, the conversion of an existing dwelling into two flats and the erection of six dwellings; application 081053 was a resubmission of application 071560.

The Committee had before it reports on each application 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.

*RESOLVED* that –

In respect of planning application 081053:

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to secure a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant planning permission with conditions and informatives as set out in the report and on the Amendment Sheet.

In respect of listed building application 081054:

- (c) The application be approved with conditions and informatives as set out in the report.

#### **117. 081556 260 Coggeshall Road, Marks Tey, CO6 1HT**

The Committee considered an application for a first floor rear extension to provide an additional bedroom with en-suite together with a new stair access thereto.

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.

Dave Whybrow, Development Manager, attended to assist the Committee in its deliberations.

Ted Gittins, on behalf of the resident of the neighbouring property, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The scale of the proposed extension and its proximity to the boundary would have an overbearing effect on the neighbouring property. The extension would have a serious impact on the amenity of the neighbour as the main light to the main seating area in the living room was gained via north facing patio doors, which would lose light if the application were to be approved. Part of the southern part of the garden would be shaded as a result of the proximity of the extension. This would be particularly significant in winter. Concern was also expressed that this application had been reported to Committee in isolation when it

was intrinsically linked to a similar application for No. 258 Coggeshall Road.

Christopher Percival addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He strongly disputed that the extension would have an overbearing impact on the neighbour's property. There would be no interruption to the northern outlook. The extension, which would only extend for five metres, could not have a significant shadowing effect on the neighbour's garden, which was approximately 50 metres long. The loss of light to the neighbour's area was disputed, as light to the living area was already blocked by a canopy of bushes and shrubs. The extension had been carefully planned to minimise its impact and was needed to create additional room for visiting family members.

Members of the Committee noted that the application breached the 45 degree rule and expressed support for the recommendation of refusal. The comments about light to the patio doors already been blocked by a pergola were noted, but if approved, the application would result in a permanent loss of light to the patio doors.

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

#### **118. 081414 Land to the side of 14 Rosebery Avenue, Colchester**

The Committee considered an application for the erection of a new two bedroom house which would infill the space to the right of the existing house. This application was a resubmission of application no. 072619.

The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

*RESOLVED* that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to secure a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (b) Upon receipt of a satisfactory 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.

**Councillor Sonia Lewis (in respect of the agent for the applicant being retained by her spouse's company) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.**

**119. 081451 High Timbers, Malting Green Road, Layer de la Haye, CO2 0JE**

The Committee considered an application for the demolition of an existing house and the construction of two new detached houses with associated garages.

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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Jim Fowler addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He argued that the information on the sizes of the plots in the report were incorrect. If approved, the application would give a suburban feel to Malting Green. The proposed properties would be of modern design and therefore out of character. An additional property on the site would increase the risk to highway safety as the access to the site was on a dangerous bend. Great crested newts had previously been found on a neighbouring site and concern was expressed as to whether this was an appropriate time of year to conduct a survey.

Mr Gittins, agent for the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This was a well designed scheme for two well proportioned dwellings. It was a good sized plot that that could comfortably hold the two proposed dwellings. The design would be of a high standard. The requisite survey for newts would be undertaken.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. This type of infill development was harming the rural character of Layer-de-la-Haye. Generating additional traffic at this site would increase the risk to highway safety and concern was expressed that the application had been brought forward to Committee before comments from the Highways Authority had been received. There was evidence of great crested newts elsewhere in the area and the if the Committee were not minded to refuse the application it should defer its consideration for a full ecology report.

It was explained that the Highways Authority had indicated verbally it had no objection to the scheme. The Committee considered whether it should defer the scheme for an ecology report and for sight of comments from the Highways Authority. However It was noted that the application would be refused if the outstanding highways and ecological matters could not be resolved satisfactorily.

*RESOLVED* (NINE voted FOR and TWO ABSTAINED from voting) that the application be deferred for the submission of an ecological study. If this issue was satisfactorily resolved before 14 October 2008 the application be determined under delegated powers subject to the conditions on the amendment sheet and additional



conditions.

If it was not resolved, the application to be refused due to insufficient information to determine the impact of the development on a protected species.

**Councillor Sonia Lewis (in respect of having had acquaintance with the applicant some time ago) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**120. 081325 Mythian, 4 Parsons Hill, Colchester, CO3 4DT**

The Committee considered an application for the demolition of an existing house and the erection of ten 2 bedroomed flats and one 1 bedroomed flat in two small blocks with semi basement parking. The application was a resubmission of 080502.

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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Major Murray Bligh addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The erection of two blocks of flats would be out of character in the area, which had a semi rural character. The footprint of the buildings would be eight times that of the existing building and would be an overdevelopment of the site. The proposals were contrary to Local Plan policies. If the scheme was approved, it would over-ride the existing Tree Protection Orders on the site and lead to the destruction of this small beautiful woodland. The excavation work for the underground car parks would be disruptive and would generate considerable traffic on unsuitable roads. It would also generate a large carbon footprint.

Mr Sumner addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application had been based on principles agreed with planning officers. The application had been discussed with planning officers at every stage and all the requirements of planning officers had been met. The application would provide a small number of spacious apartments that were suitable for their location. The blocks were no larger than several residential properties in the area. The proposed refusal reasons were not relevant planning reasons.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. If approved, the loss of trees from the site would have a negative impact on visual amenity. The impact of this would be considerable as this site could be

viewed from Church Lane, Parsons Hill and Shakespeare Road. Neighbouring properties would be overlooked. It would also have an overbearing impact on neighbouring properties, as the footprint was eight times as large as the existing buildings on the site. The proposed buildings would appear to be squeezed onto the site. Excavation and construction works would require heavy vehicles which would cause noise and pollution and have to travel on inappropriate routes. Increasing the traffic at the junction at Parsons Hill and Church Lane would increase the risk to highway safety. Trees on the site contributed to the ambience of the site but a number of trees on the site had already been removed and the excavation works would damage the roots of other trees. The proposal conflicted with a number of Local Plan policies.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. He supported the previous representations made against the proposal. The proposal would also have considerable visual impact on residents of Home Farm.

Members of the Committee expressed concern about a number of aspects of the proposal including the impact of the proposal on the character of the area, the loss of a site of individual character, the lack of useable amenity space and the impact on highway safety of additional traffic generated by the use. There had been a number of accidents in the vicinity of the site. Concern was also expressed about the steep gradient of the access onto the site.

It was explained that no objection had been received from the Highways Authority and so it was felt that a refusal on these grounds could not be justified and that the amenity provision was considered acceptable overall.

*RESOLVED* that the application be refused for reasons set out in the report and the amendment sheet. (ELEVEN voted FOR and ONE ABSTAINED from voting).

**Councillor Peter Chillingworth, Councillor John Elliott, Councillor Wyn Foster, Councillor Sonia Lewis and Councillor Jackie Maclean (in respect of their knowledge of the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**121. 081547 Watercress Hall, Fossetts Lane, Fordham, CO6 3NY**

The Committee considered an application for a change of use of a narrow piece of land to the rear of Watercress Hall from agricultural land to domestic garden including the stopping up and diversion of a short length of footpath 21 Fordham to a new point, exiting approximately 12 metres north west onto Fossetts Lane.

The Committee had before it a report in which all information was set out.

*RESOLVED* that the application be approved with conditions and informatives as set out in the report.

## **122. 081157 Old Court Coffee House, 8 Church Street, Colchester, CO1 1NF**

The Chairman agreed, pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972, to consider this item at the meeting as a matter of urgency because the matter had been subject to considerable delay and there is a need for the work to be undertaken as quickly as possible to prevent further theft and damage.

The Committee considered an application for listed building consent to replace lead used on hips of roof with black clay ridge tiles to prevent further theft and damage.

The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

*RESOLVED* that the application be approved with conditions and informatives as set out in the report.

## **123. Revised Planning Procedures Code of Practice**

The Head of Environmental and Protective Services and the Monitoring Officer submitted a joint report on a revision of the Planning Procedures Code of Practice together with a draft revised Planning Procedures Code of Practice to ensure the Code of Practice was up to date with for the Committee to approve and be incorporated into The Constitution.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations.

Members of the Committee queried whether the protocol was sufficiently detailed in the terms of the role of the ward councillor. Officers agreed to review this.

*RESOLVED* that the revised Planning Procedures Code of Practice be approved for inclusion in The Constitution subject to the correction of a minor typographical error in section 7(5).