

**PLANNING COMMITTEE**  
**30 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.)

**261. Minutes**

The minutes of the meeting held on 16 April 2009 were confirmed as a correct record.

**262. 090156 Former Cavalry Barracks Buildings, Butt Road, Colchester, CO2 7TN**

The Committee considered an application for a proposed change of use and conversion of existing buildings at area J2B Colchester Garrison to create 54 residential units, including two live/work units, and two commercial B1 office units, including 81 square metres of extensions. The proposed extensions involve the infilling of existing light wells, are similar in scale to the existing buildings and will be obscured from public view for the most part by the Butt Road boundary wall. 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.

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 completion of a satisfactory Deed of Variation, the Head of Environmental and Protective Services be authorised to grant consent with conditions to cover the following matters and informatives as set out in the report:-

- Time Limit
- Development to accord with approved plans
- Recording of the buildings
- Access and highway design
- Drawings showing architectural details
- Windows to be in painted timber
- External building and surface finishes and materials

- Details of rainwater goods
- Detailed design of boundary treatments
- Hours of work / delivery
- Sound insulation
- Detail of odour / fume control
- Control of light pollution
- Contaminated land and remediation
- Good practice relating to construction work, etc.
- Drainage details
- Tree protection
- Landscape, implementation and monitoring of works
- Refuse / recycling storage
- Cycle storage facilities
- Street furniture
- Removal of permitted development rights
- Entrance gates on Butt Road to be reopened and refurbished to provide links onto Butt Road
- Provision of the pedestrian cycle link to Area J1
- Opening hours for commercial units
- Commercial units to be used as B1 use only
- Bat mitigation strategy.

### **263. 090150 449 Ipswich Road, Colchester, CO4 0HF**

The Committee considered an application for the erection of eight residential units comprising a mix of two storey dwellings and single storey bungalows on a brownfield site designated for residential use. The two storey properties are located on the street frontage to Ipswich Road and Evergreen Drive with the bungalows behind these properties in the middle of the site. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The proposed density is 30 dwellings per hectare, the lower end of the normal range of 30 to 50 dwellings per hectare. There were no windows overlooking existing properties. The parking provision is in accordance with the current guidelines and vehicle movements would not be too significant and should not give rise to neighbour amenity issues. Visibility splays were satisfactory.

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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Joyce Clark addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. There had been a number of proposals for the site since 2003 which had been very stressful for existing residents. She did not oppose all development of the site nor did she object to the

houses fronting onto Evergreen Drive and Ipswich Road. However, the access road for the five bungalows which would involve vehicle movements to and from the properties was alongside her property. This would create noise and disturbance close to private gardens which would have a significant impact on her and detract from her enjoyment of her garden.

Andy Butcher addressed the Committee on behalf of the applicant pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This was an entirely new scheme which complied with the council's policies. There were three main objections from residents: inadequate car parking, the access road and its use. In response he stated that the thirteen parking spaces for eight dwellings met normal parking standards and the access road from Evergreen Drive met the Highways Authority standards and requirements. He acknowledged residents concerns regarding the use of the access road, parking and driveways but commented that this was a fairly small development and there was planting around the site. The bungalows were suitable for elderly people and the level of nuisance would be reasonably limited.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He referred to two previous schemes both of which had been recommended for approval; both had been rejected and the Planning Inspector had upheld those decisions. The reasons for rejection of this application are the amenity of neighbours and difficulties of the access. The residents are not opposed to all development on the site but it must be appropriate and he considered this proposal was not. The objection was to the five bungalows to be built on what was effectively a large back garden on the grounds that it would be over development of the site. There were only five parking spaces and two visitor spaces for the five bungalows. This area is in the second least deprived area in Colchester and he believed there could be two vehicles for each property, especially as the nearest bus service was in Ipswich Road. Any elderly occupants of the bungalows would need a car as there was no direct bus route to the hospital. There should be a minimum of two spaces per bungalow which is the likely standard in the emerging Essex Design Guide. He was also concerned at the lack of any Section 106 commitment in respect of social housing.

Members of the Committee commented that although the development has been reduced from nine dwellings in an earlier scheme to eight dwellings in this one and five of the eight dwellings are now bungalows, local residents were still not happy with what is being proposed, particularly the five bungalows in the centre of the site, and consideration should be given to whether eight dwellings on this plot constituted overdevelopment. There was a query on whether the new parking standard should be used and whether the boundary treatment was adequate. Further consideration should be given to the times of delivery of construction materials in view of the proximity of the local school.

It was acknowledged that the proposal complied with all the council's policies. During the course of the twelve years history of the site government guidance has changed, particularly densities which have increased. The density in this proposal is at the lower

end of the range contained in the guidance. This was an awkward site and a means of access to the centre was required whilst ensuring the amenity of residents was also taken into consideration. It appeared from the plan that the proposed boundary treatment was adequate. The gardens that back onto the car parking area along the northern boundary are relatively short and there is an existing hedgerow along this boundary. Confirmation was sought that this boundary treatment was adequate and that it would be retained and not removed; maintenance of the landscaped boundaries was also highlighted as an issue. There was a suggestion to defer consideration of the application to permit further negotiation on an improved layout. The roadway alongside the length of the garden of 33 Evergreen Drive was a concern. It was in the interests of neighbours and others in the area that the form of development on this site is determined, and on balance this scheme appeared to be a good one.

It was explained that the application included an arboricultural report and the hedgerow along the northern boundary is to be retained. If the two parking spaces adjacent to the back gardens of properties in Acorn Close were to be moved into the centre of the site they would interfere with other spaces and affect the layout generally. It was considered that their impact would not be significant. Condition 26, hours of work, is normally an informative, but it could be applied as a condition. Condition 27, construction and vehicle movement, is consistent with travel times and school times. The conditions as set out were considered to be satisfactory in the circumstances. There is a landscape management plan condition on the amendment sheet, but it would be possible to add a mechanism to require boundaries to be managed in the long term. An informative can be added to ensure construction vehicles are parked on site and materials are stored on site. It is officers' view that amenity can be safeguarded by good fencing and landscaping, particularly with 33 Evergreen Drive. There has been a long period of negotiation; it is a complicated site and the number of units have been reduced resulting in a low density development. Minor adjustments to the layout may be acceptable but more fundamental changes to the scheme would be difficult at this stage.

RESOLVED (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for 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 together with the following additional conditions and informative:-

Conditions:

- Landscape Management plan as set out on the Amendment Sheet as follows:-  
A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than

privately owned domestic gardens, shall be submitted to and approved by the local Planning Authority prior to any occupation of the development for its permitted use. Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

- Additional boundary treatment, in particular to the southern boundary, area of Evergreen Drive,
- All building materials and contractor vehicles, plant and machinery etc. to be kept on site during the construction period.

Informative:-

- Contractor delivery vehicles to have regard to school opening times as per the previous informative for Bullock Wood Close development.

#### **264. 090332 32 Egret Crescent, Colchester, CO4 3TX**

The Committee considered an application for the construction of a two storey rear extension and a conservatory together with internal alterations to provide en suite, a new window and associated works. 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.

#### **265. 090384 Highway Verge, Boadicea Way, Colchester, CO2 7XF**

The Committee considered an application to determine whether prior approval is required for the siting and design of a Vodafone 11.4 metre high replica telegraph pole and equipment cabinet. The site is a grass verge separating Boadicea Way from the residential access road. The verge is reasonably well screened by mature and semi-mature trees. 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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. In respect of mast sharing, it was not possible to share with this particular type of mast; any shared mast would require a larger structure.

Paul Raven addressed the Committee on behalf of himself and nearby residents, pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had purchased his property because of its uninterrupted outlook. A previous application was refused because of its close proximity to a school. The network provider agreed that the mast could be sited on the opposite side of the road.

He asked that the Committee refuse the application.

Members of the Committee considered Boadicea Way to be a very special road and an alternative site should be identified elsewhere. The mast would be visible in the winter. There was some dissatisfaction with the process of considering applications such as this where Government guidance places constraints on what issues planning committees can and cannot take into account. Some members considered the location was acceptable because it would be hidden by the trees whereas a mast on the other side of the road would spoil the vista. The floodlights on the playing field were considered equally as intrusive as a mast. This site was a considerable distance from the school. There was a request for the cabinet to be painted green and for it to be maintained and kept free from graffiti.

It was explained that applications for masts on the other side of the road have been resisted because they would be too intrusive. An informative note could be added requiring the equipment cabinet to be maintained and kept free of graffiti.

RESOLVED (MAJORITY voted FOR) that prior approval is not required and submitted details are agreed, subject to an additional note to the applicant requesting regular maintenance of the equipment cabinet with particular regard to the removal of any graffiti.

#### **266. 081938 3 Priory Street, Colchester, CO1 2PY**

The Committee considered an application for the continued use of the building and rear amenity area for worship. The application was considered at the Committee's meeting held on 5 February 2009 and deferred for a site visit, and again at the meeting held on 19 February 2009 when it was deferred again for discussions with the applicant and the objector on the boundary treatments, the number of people attending outside services and the use of the former garden space as a parking area; minute nos. 205 and 214 refer. The Committee had before it a report in which all information was set out.

The Committee made a site visit on 19 February 2009 in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Theresa Whiting addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She had not received prior notification that this application was being considered at this meeting and no attempt had been made to involve them in any negotiations. The use of the land as described would be overbearing if numbers of up to 250 people were permitted. The site was adjacent to Priory Street and gardens which were for all to enjoy. There would be increasing noise pollution from 150 people who would be visible from No. 4 Priory Street whether or not there was screening. This is a predominantly residential

area. Children should not be exposed to funerals with coffins on display. She asked the Committee not to impose this upon them.

Members of the Committee were concerned that the proper processes had not taken place if the neighbours had not been consulted and notified of this meeting. Residents should be given as much notice as possible. A number of particular issues were raised:- whether coffins would be covered, what was the effect of the screening described in paragraph 9.6, the impact of raised levels and whether they could be lowered to reduce overlooking and any overbearing effect.

It was explained that it had been intended that neighbours be consulted on the proposals and notified of the meeting. Officers offered apologies for any omission and suggested that it be investigated and reported back to a future meeting. It was normal practice to notify anyone who has made representations of the date of the committee meeting. It was suggested that illustrations of what the proposals would look like be brought back to a future meeting which would give neighbours the opportunity to make their views known.

**RESOLVED (UNANIMOUSLY)** that consideration of the application be deferred for neighbours to be notified of the date of the committee meeting and for details of proposals to be presented to Committee.

**267. 090021 48 St. Christopher Road, Colchester, CO4 0NB**

The Committee considered an application for a single Tomra recycling unit and associated works outside a Tesco Express Store in a shopping parade which includes a number of other shops. Above the shops are residential units. The application was considered at the Committee's meeting held on 19 February 2009 and deferred for a demonstration of the recycling unit; minute no. 213 refers. Arrangements were made for the demonstration to be held at the Westside Centre, Stanway, on 2 April 2009. 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.

**268. 090022 19 Bromley Road, Colchester, CO4 3JF**

The Committee considered an application for a single Tomra recycling unit and associated works. The application was identical to 090021, 48 St Christopher Road, in all respects except that the site does not have any residential units above the premises neither are there any dwellings immediately adjacent. Arrangements were made for a demonstration to be held at the Westside Centre, Stanway, on 2 April 2009. 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.

**269. 090265 Tesco Store, Highwoods Square, Colchester, CO4 9ED**

This application was withdrawn from this meeting by the Head of Environmental and Protective Services as the required information on tree protection measures have not yet been received. The application will be submitted to the Committee when the information has been received and considered by the Arboricultural Officer, see Amendment Sheet.

**270. 090274 Playing Field, Robletts Way, Wormingford, Colchester, CO6 3AF**

The Committee considered an application for the siting of two portakabins for use as changing facilities at Wormingford Wanderers Football Club adjacent to an existing pavilion on the edge of the playing field at Wormingford. The site is adjacent to gardens and is accessed via Robletts Way, a residential cul de sac. The Committee had before it a report in which all information was set out.

The Committee made a site visit prior to the meeting held on 16 April 2009 in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site. The application was withdrawn from that meeting in order to ensure that all objectors were aware of the date of the committee meeting at which the application would be considered, see minute no. 254.

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

**271. 090286 10 High Street, Colchester, CO1 1DA**

The Committee considered an application for advertisement consent for replacement signage including externally lit redecorated fascia, new projecting sign and applied logo to the shop front. The application is a resubmission of 081933. The Committee had before it a report in which all information was set out.

John More, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee would have preferred something less obtrusive which would improve public amenity. The application does not involve any other part of the shop front. The issues are public amenity, highway safety relating to obstruction and glare from lighting. The site was in a Conservation Area which should be preserved or enhanced. The hanging sign has been changed and it was considered that the impact was neutral and slightly less obtrusive than the existing signage. The view was that the proposal did not enhance the Conservation Area.



*RESOLVED* (UNANIMOUSLY) that the application for advertisement consent be approved with conditions as set out in the report.

**Councillor Mark Cory (in respect of being an employee of Maldon District Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Peter Chillingworth (in respect of being the Chairman of the Council for the Protection of Rural Essex, a body which has submitted evidence to the previous and current Public Enquiries) 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 he left the meeting during its consideration and determination.**

**272. Consultation in respect of a planning application in Maldon District for the construction of a wind farm at Bradwell**

The Head of Environmental and Protective Services submitted a report seeking the views of the Committee upon a consultation from Maldon District Council in regard to the construction of a proposed wind farm at Bradwell, Essex.

It was explained that this was an on land wind farm. It was now considered that the proposals were broadly in agreement with this Council's Core Strategy and in accordance with the authority's corporate objective to be cleaner and greener and it was appropriate now to withdraw the earlier objections. There were to be twenty turbines, each twelve metres high.

*RESOLVED* (UNANIMOUSLY) that a positive response to the consultation on the proposed wind farm at Bradwell, Essex be supported.

**273. Application 071734 Residential Development - Collins Green, School Road, Messing**

The Head of Environmental and Protective Services submitted a report updating the Committee on matters regarding an enforcement action which it had been anticipated would be reported to this meeting of the Planning Committee. Unfortunately access to the site had not been possible to enable a report to this meeting and it was intended that a report be submitted to the next meeting.

*RESOLVED* that the situation be noted.