

**PLANNING COMMITTEE**  
**27 FEBRUARY 2014**

*Present :-* Councillor Theresa Higgins\* (Chairman)  
Councillors Helen Chuah\*, Sonia Lewis\*, Cyril Liddy\*,  
Jon Manning and Laura Sykes\*

*Substitute Members :-* Councillor Mark Cable for Councillor Peter Chillingworth  
Councillor Michael Lilley for Councillor Stephen Ford  
Councillor Marcus Harrington  
for Councillor Jackie Maclean\*

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

**115. 140043 5 Lexden Park House, Lexden Road, Colchester**

The Committee considered an application for the removal or variation of a condition following the grant of planning permission (F/COL/00/1007) to use part of the roof area as a roof terrace. 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.

Councillor Lewis believed that all the concerns raised by objectors had been suitably addressed.

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

**116. 136177 Outdoor Adventure, The White Hart, 342 London Road, Stanway**

The Committee considered an application for the change of use from Class A1 (Shops) to Class A3 (Restaurant). 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.

**117. 140001 66a London Road, Lexden, Colchester**

The Committee considered an application for the change of use of 66a London Road, Lexden from A1 (Shops) to private members social club. Alterations to the building included the changing the front door from uPVC to wooden / traditional looking, changing the rear double doors (wooden / glazed) to single metal security / fire exit style and changing the (first floor) double doors (uPVC) to single metal security / fire exit style. Changes that are internal only were the replacement of the

existing toilet area to include two separate toilets and one shower, to be connected to the existing plumbing, the replacement / moving of the internal studwork walls to suit new use, adding new internal doors to create additional soundproof and rewiring the building to bring up to date. 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 Peter Hill, Planning Officer, presented the report and assisted the Committee in its deliberations. Mr Andrew Tyrrell, Planning Manager, and Mr Simon Cairns, Planning Project Manager, also assisted the Committee in its deliberations.

Mr Nigel Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He suggested that there were 14 separate planning objections to this application. He highlighted the inadequate parking for likely demand. The surrounding streets were inappropriate for parking and there was no public transport available late at night. Mr Taylor believed that there would be noise and disruption in the area when individuals left the club, as London Road was very quiet at night. He suggested that there was a valid fear of increased crime. He further believed that the proposal was fundamentally wrong for the area, a view that was supported by Sir Bob Russell MP. Mr Taylor indicated that local retail units did serve the needs of the immediate and wider community, and that there was a clear conflict with policy. He urged the Committee to reject the application in its entirety.

Mr Jason Woolf addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He thanked officers for their work and appreciated that the conditions proposed were sensible and addressed objections raised. He believed that a 0 decibel noise level could be achieved. Mr Woolf believed that there was ample parking for the capacity of the proposal, although it was unlikely that the proposal would reach full capacity each night. Mr Woolf had conducted a survey to establish the proportion of smokers with the potential customer base and believed that marketing the business as 'non-smokers only' would be an appropriate course of action. He intended to be a responsible operator.

The Planning Officer emphasised that the success of this proposal would largely rely on the quality of its management and, as such, a temporary permission had been recommended. He further clarified that although minor physical alterations were described in the application description, no drawings were provided of these and it seemed likely that they did not constitute development. Conditions had been included to require precise details of such physical alterations to be submitted before commencing them, in case they were development.

A member of the Committee questioned whether it was justified to accept the proposal in a Neighbourhood Centre. It was additionally suggested that, as the Neighbourhood Centre in question was so small, it had been protected for a purpose and granting permission for this proposal would open the flood gates for such

development in other areas.

The matters of insufficient space for deliveries and taxi drop-offs were raised. It was further identified that buses stopped serving the area after 11pm. The fact that many residents currently regularly used the public car park overnight was raised by a member of the Committee.

The Committee discussed Development Policy 7 (DP7) and whether the objections raised from within the direct locality identified that there was no need within the local community to be met. It was suggested that the noise and disturbance of individuals leaving the premises and walking to the car park at 2am would cause significant harm.

A member of the Committee questioned whether, as there was no minimum parking requirement for businesses, parking could be considered at all. Clarification was sought as to whether surrounding takeaways would need to apply for planning permission to extend their operation hours. It was also asked whether the safety of individuals leaving the premises at night without street lighting was a planning consideration.

The Planning Officer explained that DP7 required ventures within Neighbourhood Centres to provide for the needs of residents in the immediate neighbourhood and the district settlement. It was considered that support raised by individuals within the Borough indicated such a need. The Planning Officer further identified that the Spatial Policy Team had not raised any objection, as it was not believed the aims of the policy were being undermined. Regarding the opening times of surrounding takeaway business, whether they would need to apply for planning permission to extend their opening hours would depend on the conditions they were already subject to. The Planning Officer suspected that the numbers generated by the proposal would not be sufficient to trigger such expansions.

It was not advised by the Planning Officer that lack of street lighting was a material consideration. Although there were no minimum parking standards required for the proposal, parking was still a material planning consideration. However, it was emphasised that promoting sustainable forms of travel was to be encouraged.

The Planning Officer suggested that although buses did not run after 11pm, members may be leaving before this time. The lack of official taxi drop off or room for delivery vehicles would be the same for any business use. It was also noted that the car park in question was an existing 24 hour car park.

The Planning Project Manager clarified that DP7 pre-dated the National Planning Policy Framework (NPPF). He went on to explain that the NPPF created a more flexible approach to Neighbourhood Centres. It was the Government's intention to encourage vitality and vibrancy. The restrictive approach detailed in DP7 may not be in accordance with NPPF.

There was discussion within the Committee as to what grounds could be used to refuse the application, contrary to the Officer recommendation. The Planning Officer considered that a Planning Inspector may not find a refusal of this application on the

grounds impact on residential amenity unreasonable.

*RESOLVED* (SIX voted FOR, THREE voted AGAINST) that the application be approved, subject to the conditions set out in the report.

**118. 132816 Warriors Rest, Maypole Road, Tiptree**

**Councillor Harrington (in respect of his support of Colchester United Football Club) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the construction of a steel framed, fabric covered sports building to enclose the Multi Use Games Area at Warrior's Rest. The Committee had before it a report and amendment sheet in which all the information was set out.

Mr Simon Cairns, Planning Project Manager, presented the report and amendment sheet, and assisted the Committee in its deliberations. He explained that an additional representation had been received from Tiptree Parish Council regarding a Community Use Agreement. He clarified that a satisfactory draft Community Use Agreement had been received from the applicant. It was recommended that, if the proposal were to be agreed, this was subject to the applicant signing this Agreement.

A further representation had been received, which raised concerns regarding adherence to conditions, loss of pitches, highways and floodlights. The Planning Project Manager identified that the conditions attached to the recommendation were enforceable, Sport England had been consulted on the removed pitches and did not raise an objection, the Highway Authority raised no objection and that floodlighting had been dealt with under condition 3.

Mr Steve Bays, of Tiptree Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that the Parish Council only objected to the validity if the usage agreement. He was pleased to hear that the Community Use Agreement was now included in the application. He was concerned that the commercial usage of the site would be greater than that of the community, regardless of the site being considered public open space. Mr Bays drew the Committee's attention to a letter from Adrian Pritchard, indicating that the usage of the site would be investigated.

Mr Peter Tanner, Chairman of Jobserve Sport and Social Club charity, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He addressed concerns regarding the access of local communities to the facilities, stating that there was a desire to increase community use. He believed that local youth groups used the facilities as much as, or more than, Colchester United Football Club and that the local Bowls Club used the facilities in the daytime. Shared use was at the heart of the charity's plan. Jobserve had received significant funding from the Aspire Media Group to provide facilities for the local community.

Councillor Martin attended and, with the consent of the Chairman, addressed the Committee. He suggested that there were 13 additional hectares of open space adjoining the sports area on the site. He believed that previous applications of this nature had not resulted in any realistic benefit to the community. Councillor Martin believed the Community Use Agreement should contain a public booking system and suggested the inclusion of an additional condition in relation to vehicular access. He would like to see Thurstable School consulted on any future applications.

The Planning Project Manager suggested that condition 7 be amended to specify that the building should not be illuminated after the hours specified.

The Committee was pleased to see that sport facilities in the Borough were being improved and believed that enabling use of sports facilities in all weather was good progress.

A member of the Committee expressed disappointment with some objections, as the proposal clearly benefitted the local community.

The Committee reaffirmed the benefit of consultation between the football club and Thurstable School regarding rights of access.

*RESOLVED* (UNANIMOUSLY) that the application be approved, subject to the signing of the Community Use Agreement, the conditions set out in the report and amendment sheet, and the following alteration to condition 7:

- The building shall only be available for use during the hours of 8.30 until 22.30. Outside this period the building shall not be illuminated.