

PLANNING COMMITTEE
25 JUNE 2009

Present :- Councillor Ray Gamble* (Chairman)
Councillor Sonia Lewis* (Deputy Mayor)
Councillors Mary Blandon*, Mark Cory*,
Andrew Ellis*, Stephen Ford, Jackie Maclean*,
Jon Manning* and Ann Quarrie*

Substitute Members :- Councillor Laura Sykes
for Councillor Helen Chuah*
Councillor Richard Martin
for Councillor John Elliott*
Councillor Nick Barlow
for Councillor Theresa Higgins*

Also in Attendance :- Councillor Kevin Bentley

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

Councillor Ellis was not present for the determination of all applications agreed under the en bloc arrangements, having declared a prejudicial interest in one of those items, minute nos. 34, 35, 37 and 38 refer.

31. Minutes

The minutes of the meeting held on 11 June 2009 were confirmed as a correct record.

32. 090468 1-5 Culver Walk, 77-85 Culver Street East, Colchester

The Committee considered an application for the demolition of first and second floors of nos. 1 to 5 Culver Walk and nos. 77 to 85 Culver Street East, Colchester. 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.

Mark Russell, Planning Officer, attended to assist the Committee in its deliberations. The plans included raising the height of the building together with infilling above the entrance to British Home Stores.

Andy Cullen addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The intention is to

continue the upgrading of this area in a similar style to the Phase 2 submission which has already been approved. The redevelopment will attract retailers and increase footfall. This Phase 3 development continues with replacement facilities and a new two storey entrance on the corner. English Heritage required retention of the Lucams which will be clad in green copper.

Members of the Committee were generally in support of the proposal.

However, there were two issues raised regarding the York stone paving.

Firstly the applicants did not own all of the land in Culver Street East up to the retail units on the opposite side which meant they were unable to repave beyond the extent of their ownership. It was suggested that an informative be added to prompt negotiations with third parties to try and include in the renovation the paving outside the applicant's control. Secondly there were views both in favour of and in opposition to sealing the paving to enable it to be kept clean. The resealing was expensive to maintain because it would need re-sealing from time to time. This area was not particularly a food and drink highway, unlike the High Street where the paving has suffered. Other issues were if any application was received in the future for a coffee kiosk, it should be designated as a separate area. There was a request that the street furniture be improved, a comment prompted by the poor quality of the recycling bins. There was also a query on any maintenance programme for the scheme.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report.

Councillor Kevin Bentley and Councillor Ray Gamble (in respect of each being a Colchester United Football Club season ticket holder) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

33. 090217 Land adjacent (south) Grange Road, Tiptree

The Committee considered an application for a change of use of agricultural land to a sports field with minor regrading and drainage of the intended playing area together with an associated vehicle parking area with vehicular access from Grange Road. Community use of one pitch is proposed. 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, Development Manager, attended to assist the Committee in its deliberations. He explained that at any one time there would be a maximum of 58 players present using a maximum of two pitches during the conditioned hours of use. The community pitch would be available for use during weekends for two sessions per day, from 10am to 1pm and from 2pm to 5pm. There were no changing facilities in this application however it was understood that a separate planning application, referred to as 1(b) for changing facilities was to be submitted. There is no proposal for flood lights in this application. The Highway Authority had withdrawn their objection to the proposal upon receipt of amended plans. This sort of facility is difficult to locate in an urban location and although other sites were considered this site is the preferred option. Some consultees had responded that the facility was welcomed provided it was available to the community. Other consultees who had objected had since withdrawn their objections in the light of additional information. Tiptree Parish Council had submitted objections to the scheme for various reasons as had 460 plus members of the public, all of which were set out in the report. Thirteen letters of support had also been received. The Local Development Framework indicated that this land would be suitable for mixed use, which would be residential and leisure uses. The recommendation of approval was a result of the positive responses from various consultees and the considerations of the Policy Team. The Amendment Sheet contained amendments to some of the conditions.

John Lawson, representing Colchester United Football Club, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Club were striving for excellence but a major barrier is a fit for purpose training facility. For a club of this size their current facilities were inadequate. They had looked at other sites including one at Mile End but all had various constraints. The Tiptree site was considered to be ideal. It would be a low key open space use, compatible with its surroundings. They had worked hard on the design and with other consultees. The revised scheme comprised five pitches of which only two would be in use at any one time. One pitch would be a community sports pitch which would fulfil a recognised need for local clubs. All trees and hedgerows would be retained. A dedicated minibus service and pedestrian and cycle links are to be provided. The principle of use is established and a changing room proposal would be brought forward which would allow the club to transfer to Tiptree. He asked the Committee to support the officer's recommendation to approve the application.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. He was speaking as one of the five local councillor representatives. He is also speaking on behalf of public objectors. There had been no consultation with the local community. He has not been approached by the applicant and no attempt has been made to talk to residents. He asked

that the matter be deferred for consultation with the local residents. He was puzzled that there were no changing facilities with this application which, if this is a fully fledged training facility, it must meet appropriate requirements. This site was a considerable distance from the Stadium whereas the current training ground at Essex University was closer. It was not possible to speculate on applications which do not exist. There have been 464 letters of objection; residents had studied the plans and sought professional advice. He urged the Committee to reject the application or defer it for further consultation and asked that consultation with local people be a high priority. He also requested that any amended application come before the Committee.

Members of the Committee had a number of concerns. This application is very important for the local community. However this proposal was purely a commercial application from a professional football club and this facility did not need to be in Tiptree but could be located anywhere. The community pitch was to be allocated to a couple of teams and as such was not a community pitch. It was considered the local community should get some form of benefit from the facility. Tiptree Parish Council had objected to the application and were keen to get the whole 30 acres earmarked as open space for recreation. The Parish Council had wanted the application to be deferred and the Development Team officers asked to secure a Section 106 to transfer the balance of the field, 7 acres, to the Council so it would be a genuine council facility for community use for the whole area. In that form it was believed that many local people would accept it. There was a view however, that given the history of failed Section 106 agreements for Tiptree which have never actually delivered, the residents may have lost faith in the Council's ability to gain benefits on their behalf.

The lack of facilities was raised as an issue. Training grounds for similar clubs have facilities such as toilets, changing rooms, showers and physiotherapy facilities. Without such facilities the proposal constituted a field with five football pitches. In effect the application when judged on its merits was not fit for purpose for a professional football team without the necessary facilities.

The community use proposed in the application was for useage by two organisations in Tiptree and as such was considered to be inadequate and not a true community facility. It was considered that they are only community facilities if they are not only for two organisations. It was suggested that the application should be deferred for the Development Team to re-negotiate the community pitch provision. Members of the Committee were also uncertain that one community pitch would be sufficient; more pitches will be needed especially in bad weather. The location of the community pitch was also raised as an issue. Currently it was in the middle of the professional pitches whereas it would be better located at the south end.

The applicants did not appear to have consulted directly either with the Parish Council or the local people and this was raised as an issue. This comment was directed at the applicant as the local authority has consulted as it is required to do.

In response to the issues raised it was explained that whilst the facilities were an issue, they formed phase 1(b) of the proposals. If approved the programme would be that the pitches were prepared and ready for use by 2010 which allowed time for the facilities to be applied for and built. It was agreed by planning officers that the use would not be acceptable without such facilities. The issue regarding the location of the proposal in Tiptree had been addressed by the Policy Team which had suggested various alternative sites to look at. For one reason or another they were discounted. This was not an application on which a Section 106 package was being sought. The matter had been considered by the Development Team and the policy view was set out in the report. The community gain was in the form of the community pitch. In respect of the comment made about wear and tear of pitches, the community pitch would be used at weekends only and would have time to recover during the week. The Club pitches would be subjected to more use, however the level of their use would permit recovery time and the limited hours of use would be governed by condition. It was recognised that liaison between the applicant and residents did not take place in this case. It was not possible to say if the training facility would grow into something greater but lighting is not proposed at the moment. In respect of the suggestion for a deferment, from an officer point of view this proposal has run the full gamut of consultation and generally has been of a favourable nature. Members concern about the lack of facilities was understood. Also understood were members concerns with regard to the community use but the proposed conditions have attempted to address these. It would be possible for the Committee to defer consideration of the application for lack of changing facilities and detail of the scope of the community use. The Policy view is that if this was simply a proposal by Colchester United Football Club it would not be in the right location; the community element is important. Members must determine this application on its merits.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds that the facilities are inadequate and there is a lack of information on how the proposal is going to benefit the community in terms of scale and scope.

34. 090460 Borrow Pits North and South Langenhoe Marsh, Fingringhoe

The Committee considered an application for the extraction of clay from two new borrow pits for the construction of an access berm adjacent to the

seawall on Langenhoe Marsh. Following extraction of clay the borrow pits will be landscaped to create two conservation lagoons. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that subject to there being no objections to the application prior to 26 June 2009, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

35. 090608 61 Oaklands Avenue, Colchester

The Committee considered an application for a proposed two storey side extension with front porch, rear single storey extension, conservatory and internal alterations. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds set out in the report.

36. 082055 Marks Tey Railway Station, Sstation Road, Marks Tey

This application was withdrawn from this meeting by the Head of Environmental and Protective Services to permit consideration of further information submitted by the applicants in order that members have what the applicants believe to be all relevant information before them.

Councillor Andrew Ellis (in respect of having previously used the applicant's services) 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.

37. 090390 Homagen, Chappel Road, Great Tey

The Committee considered an application for an amendment to a proposal approved under application 081527 to retain one window at the rear of the barn and insertion of one window to the side of the barn. 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.

38. 090499 Highwoods Square, Colchester

This application was withdrawn from this meeting by the applicant.

39. 090533 Visitor Centre, Turner Road, Colchester

The Committee considered an application for an extension to the visitor centre to provide a new classroom office/kitchen area and toilet facilities including a DDA accessible w.c. 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.

40. Section 106 Requirements // Garrison Area P1, Ypres Road, Colchester

The Head of Environmental and Protective Services submitted a report on a planning gain/mitigation package proposed by the Development Team to provide a sum of £65,720 to secure the maintenance of the public open space / green link for a period of 25 years. The sum described for the purpose above is considered to satisfy the tests prescribed in Circular 1/97.

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

RESOLVED (UNANIMOUSLY) that the proposed Section 106 legal agreement be agreed as described in the report.