

**PLANNING COMMITTEE
20 MARCH 2014**

Present :- Councillor Helen Chuah* (Chairman)
Councillors Peter Chillingworth*, Cyril Liddy*,
Jackie Maclean, Jon Manning, Philip Oxford and
Laura Sykes*

Substitute Members :- Councillor Michael Lilley for Councillor Stephen Ford*
Councillor Peter Higgins for Councillor Theresa Higgins
Councillor Brian Jarvis for Councillor Sonia Lewis

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

119. Minutes

The minutes of the meetings held on 13 February 2014 and 27 February 2014 were confirmed as a correct record.

120. 111672 Cannock Mill House, Old Heath Road, Colchester

The Committee considered an application for a mixed residential development at Cannock Mill House, Old Heath Road of 23 two, three and four bedroom homes, as well as associated amenity and parking. 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.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to cover the items set out in the report.
- (b) Upon receipt of a satisfactory Section 106 Legal Agreement, the Head of Commercial Services be authorised to grant consent subject to the conditions set out in the report.

121. 130107 High Trees Farm Barn and Outbuildings, Lexden Road, West Bergholt

The Committee considered an application for the change of use of High Trees Farm Barn and Outbuildings, Lexden Road to separate residence including live / work arrangement and holiday let. The Committee had before it a report 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.

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

122. 132224 High Trees Farm Barn and Outbuildings, Lexden Road, West Bergholt

The Committee considered an application for the change of use of existing buildings at High Trees Farm Barn and Outbuildings, Lexden Road. Changes included the main barn to a dwelling, the small barn to an office, the existing cart lodge to parking and the outbuildings to a holiday let and garden storage. The erection of a car lodge and a brick wall was also considered. The Committee had before it a report 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.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report and the extra conditions:

- Removal of Permitted Development rights for all extensions, outbuildings and enclosures at the “large barn”.

Reason: In the interests of visual amenity in this sensitive site outside of the West Bergholt settlement limit and close to a Grade II* Listed Building.

- Prior to the commencement of development, full details of the boundary wall shall be submitted to, and agreed in writing by, the Local Planning Authority and shall be implemented as such prior to the new dwelling coming into use. Such details shall include height, brick type and gauge, joint profile and mortar type.

Reason: In the interests of visual amenity in this sensitive site outside of the West Bergholt settlement limit and close to a Grade II* Listed Building.

123. 132235 Cosway Holiday Park, Fen Lane, East Mersea

The Committee considered an application for the extension of existing building at Cosway Holiday Park, Fen Lane and the erection of a new building to provide A3 (Restaurant), A5 (Hot Food Takeaway), B1 (Business), B8 (Storage) and A1 (Shop) uses with ancillary facilities, together with Children’s Play Equipment, associated access and parking facilities. The Committee had before it a report and amendment sheet in which all the information was set out.

Ms Sue Jackson, Principal Planning Officer, presented the report and assisted the

Committee in its deliberations.

Mr Ru Watkins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he represented the community of East Mersea and that residents were disappointed with the lack of consultation from the applicant. It was clear from the Village Plan that further development was not desired. Mr Watkins referenced the National Planning Policy Framework (NPPF) suggesting that development was not appropriate, as needs were already being met within the community. If the Committee were of a mind to approve the application, Mr Watkins urged them to reconsider opening hours. He also suggested that use should be limited to only Cosways residents. The need for low level lighting and restriction on live music was also raised. Mr Watkins believed the countryside setting of the site should be considered.

Mr Ian Butter addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the application was part of an upgrade and improvement programme for the site, which was identified for local business use within the Local Plan. Mr Butter explained that similar sites in the area had similar facilities. The proposal would generate 10 new jobs on the site. Mr Butter believed that the opening times of the facilities proposed by the applicant were already conservative and that the application was important for local investment.

Councillor Sutton attended and, with the consent of the Chairman, addressed the Committee. He suggested that the conditions proposed had addressed his main concerns. He further suggested that the outside eating area for the takeaway could have its hours of use restricted, as noise from this area could travel a significant distance.

The Planning Officer explained that the Spatial Policy Team had been consulted and their comments were included in the report. The opening times proposed by residents were considered to be too restrictive. The Planning Officer suggested that restrictions could be placed upon the outside seating area, instead of the take away itself.

Members of the Committee were also disappointed that consultation with local residents had not been undertaken. It was recognised that if such facilities were not present on the site, residents would simply have to go elsewhere for meals or takeaways, which would cause similar levels of activity.

It was suggested by a member of the Committee that the hours of the takeaway facility be shortened by one hour to 09.00 to 21.00.

RESOLVED (FIVE voted FOR, FIVE voted AGAINST, the Chairman having exercised her casting vote FOR) that the application be approved, subject to the conditions set out in the report and the amendment to condition 6 to ensure the takeaway use shall only be open to customers between the hours of 09.00 and 21.00.

124. 140327 Tesco Stores Ltd, Highwoods Square, Colchester

The Committee considered an application for a 'home shop (dot com)' canopy extension at Tesco Stores Ltd, Highwoods Square and the extension to the store with associated works to the existing retail store. An extension to the 'click and collect' canopy and associated parking amendments was also considered. The Committee had before it a report and amendment sheet in which all the information was set out.

Ms Nadine Calder, Planning Officer, and Mr Vincent Pearce, Major Developments Manager, presented the report and assisted the Committee in its deliberations.

Ms Julia Usher addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She represented local residents who were concerned that the new activity would increase traffic and create a bottleneck situation. Ms Usher explained that pedestrian access to the car park over the service road was already dangerous and that the site was already overdeveloped. She was not comforted by restrictive conditions as, in her opinion, there was no site management and current rules were already being flouted. Ms Usher requested that the removal of trees be limited and believed that lighting on the site was already an intrusion to local residents' amenity.

Councillor Beverley Oxford attended and, with the consent of the Chairman, addressed the Committee. She highlighted the problems caused for residents by engine noise and blocked access. Councillor Oxford believed that, as the site was established in a residential area initially, the residents should not bear the brunt of the applicant's lack of foresight. It was suggested that conditions had little effect and that there had been minimal enforcement action. She urged the Committee to consider the amenity of local residents and not to allow further overdevelopment of the site.

The Planning Officer clarified that any further signage would have to be submitted with separate planning applications and that lighting had been dealt with via condition. It was noted that previous problems with lorries waiting on the service road with their engines running had been addressed in the conditions and that the opportunity had been taken with this application to try and address on going concerns from residents. The Planning Officer clarified that previous works on the site regarding the trees had been to remove dead wood.

A member of the Committee expressed disappointment that existing conditions on the site were not being adhered to. It was further suggested that ward Councillors should be consulted or notified before works were done on the trees on site.

The Committee understood the concerns of residents. It was requested that a message be passed on to the Enforcement Team that the site should be monitored regularly. The Planning Officer advised that, as well as enforcement action, if conditions were not adhered to the Environmental Protection Team retain powers under Environmental Protection Legislation to act against noise and disturbance.

The Committee wished to communicate to the applicant that the site appeared to be at its capacity for development and that alternative sites, with better traffic access,

should be considered for further development of the business. It was emphasised that the applicant should act responsibly.

The Major Developments Manager advised that he would be happy to inform all of the major retailers in Colchester of the Committee's opinion. He further suggested that a planning workshop could be set up with major retailers invited to discuss the future nature of retail. This would allow Councillors and retailers alike to achieve a better understanding of the retail landscape in the upcoming years.

In response to a question the Planning Officer explained that the trees on the boundary of the site were subject to Tree Protection Orders and would require permission to be removed, however the trees within the site were not subject to such orders.

A member of the Committee enquired as to whether there were other 'click and collect' facilities in the nearby area. It was explained that other retailers operated similar operations which were becoming more prominent.

RESOLVED (SEVEN voted FOR, THREE voted AGAINST) that the application be approved, subject to the conditions set out in the report and amendment sheet.

125. Amendment to Committee Minutes and update on s106 agreement

The Committee considered a report of the Head of Commercial Services seeking endorsement of amendments to the published Planning Committee minutes relating to outline planning application 121272 for the development of the Northern Growth Area Urban Extension (NGAUE). The report also provided an update in respect of the Section 106 Legal Agreement.

Mr Alistair Day, Principal Planning Officer presented the report and assisted the Committee in its deliberations.

Mr Pete Hewitt of Mile End Community Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He suggested a rewording of the proposed resolution to widen and allow further comment on the Section 106 Legal Agreement. Mr Hewitt believed that Mile End Community Council should also be included in Section 106 Legal Agreement discussions.

The Principal Planning Officer clarified that the Section 106 contributions were not being altered and that the report purely sought to ensure the minutes precisely reflected the recommendations and resolution of the Planning Committee at its meeting on the 26 September 2013.

RESOLVED (EIGHT voted FOR, ONE voted AGAINST and ONE ABSTAINED from voting) that –

- (a) the amendments to the published Planning Committee minutes relating to

outline planning application 121272 for the development of the Northern Growth Area Urban Extension be approved, as set out in the report (the amended minutes of the Planning Committee meeting of 26 September 2013 are attached as Appendix 1 to these minutes); and

(b) it be noted that the Section 106 Legal Agreement is likely to be signed after the six month period from the date of the Committee resolution.

126. Amendment to Deeds of Variation // Garrison Urban Village Development

The Committee considered a report of the Head of Commercial Services concerning a proposed amendment to the Deeds of Variation to a Section 299a Agreement relating to the affordable housing review mechanism on the Colchester Garrison Urban Village Development.

Mr Alistair Day, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that the proposed amendment to the review mechanism which facilitates the provision of an increased level of affordable housing in the even the Garrison development becomes more viable owing to significant improvements in the housing market, be endorsed.