

PLANNING COMMITTEE

21 OCTOBER 2010

- Present :-* Councillor Theresa Higgins* (Chairman)
Councillors Peter Chillingworth*, Helen Chuah*,
John Elliott*, Andrew Ellis*, Stephen Ford,
Jackie Maclean, Jon Manning, Philip Oxford*,
Ann Quarrie* and Laura Sykes*
- Substitute Member :-* Councillor Barrie Cook for Councillor Ray Gamble*
- Also in Attendance :-* Councillor Kevin Bentley
Councillor Mike Hardy
Councillor Sonia Lewis

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

99. Minutes

The minutes of the meeting held on 7 October 2010 were confirmed as a correct record, subject to the deletion of the duplicated words "to potential" in the urgency paragraph for minute no 97.

100. 101713 and 101716 Former Sergeants Mess, Le Cateau Road, Colchester

The Committee considered a planning application 101713 and a companion listed building application 101716 for a change of use from a Ministry of Defence building to a mixed use development. Part of the building would be used as the Colchester Archaeological Trust's head office, an interpretation centre, a shop and a tearoom, and part of the building will be converted to residential units. The application also included temporary car parking, access, refuse collection, internal and external demolition and alterations to provide a new single storey toilet block and a temporary boundary fence. 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.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Bill Hayton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was the co-ordinator of the appeal for which there had been a shared vision of what could be achieved with the building and the garden but he believed that this proposal would be an embarrassment for the town. He considered the Sergeants Mess to be the finest of the garrison buildings and it should be a setting for the roman circus and a wonderful building for the centre. As the most important site in eastern England,

school children, visitors and local people should benefit from the investment. However he did not believe that this application would achieve what had been planned. There would be no space for education and the tea room takes visitors through to the back of the building. He asked the Trust to re-engage with the town and make this a jewel in the crown of Colchester.

Members of the Committee considered that this proposal was a major step towards the Trust's goal but they had expected this building to provide a centre of education for young people. The Committee did not want the town to miss this opportunity but wanted to convey to the applicant that they were disappointed and considered that there could be much more achieved with the building. Members speculated whether the Trust's offices could occupy the first floor only and the entire east end of the ground floor could be a mini museum with educational facilities. In an effort to assist the Trust it was proposed that the Committee give permission for the office area on the ground floor at the eastern end to be given a mixed use permission for offices and for interpretation centre.

The planning officer explained that the Committee was requested to determine whether this application was acceptable in planning terms. This proposal was considered to be entirely appropriate for the building and had support in principle from English Heritage. The scheme would secure the retention of the building together with the removal of a number of modern rear additions. Parts of the building would be open to the public including an interpretation area and the garden area. In view of the comments made by the Committee they could consider giving the ground floor office area permission for a mixed use office/interpretation area and a note could be added to the applicant to express the Committee's desire that the ground floor at the eastern end be used for a larger interpretation area. Also in order to allay their concerns that the residential use would be provided without a guarantee of the interpretation area being provided, a mechanism could be included to the effect that there was an expectation that some of the funding resulting from the residential element would be used to provide the other uses.

RESOLVED (ONE ABSTAINED from voting) that in respect of planning application 101713 –

(a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to provide for the following matters:

- to link the development to the terms of the outline garrison planning permissions and 299a legal agreement;
- to secure public access to the site of the Roman circus starting gates; and
- a mechanism for ensuring that the residential element contributes towards the delivery of the interpretation facilities.

(b) Upon receipt of a satisfactory Section 106 Legal Agreement, the Head of Environmental and Protective Services be authorised to grant planning permission with conditions relating the extent and nature of uses approved which must define the minimum area to be available for interpretation purposes and must provide flexibility for interpretation floor space to increase without the need for a further planning

planning permission (in terms of the use of existing floor space, not in terms of new building).

RESOLVED (ONE ABSTAINED from voting) that listed building application 101716 be approved with conditions and informatives as set out in the report.

101. 101080 Moler Works (Buildings 5 and 5A) Colne View, Colchester

The Committee considered an application for forty-eight dwellings within building 5 and the elevation of 'The Noodle Bar' building 5A by two metres (revised scheme). The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. This application was to erect a previously approved building, but to vary the tenure of the residential accommodation and incorporate a raised walkway to provide a safe means of access in the event of flooding. The parking provision was slightly increased over the previously approved scheme which it was noted was at variance with the new parking standards. He referred to a Parking Management Strategy which would apply to all existing residents as well as those in building 5.

Trevor Dodkins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This was a highly sustainable location being within walking and cycling distance of retail and employment facilities and schools, as well as rail and bus services. He referred to the provision for flexibility in parking requirements in accessible locations such as this. He had discussed the revised parking standards with Essex County Council in respect of whether or not they could be applied retrospectively, or were only applicable to new developments. They had monitored the site at various times of the day as well as during and outside of school term times which had established that there were no problems with parking. An increase in parking spaces would not enable his clients to build the development.

Some members of the Committee remained very concerned regarding about the parking space provision which was significantly below the recently adopted standards. They noted that the development may be near to shops and the railway, and within walking distance into town, but that may only mean that people park their car longer at the house or flat because they still need a car for shopping, school trips and on Sundays when public transport is limited. There would also be a need for visitor parking and for users of the restaurant.

The planning officer explained that the new parking standards had been adopted in the intervening period, and they were a material consideration but so was the extant permission on the site, albeit without the plinth detail, with a different tenure mix and with slightly fewer parking spaces than is provided in this application. It was also confirmed that the new standards recognised that a lower provision may be applicable in view of the good accessibility of the site. In response to queries regarding the implications of the outcome of the appeal, it was explained that the outcome of the

appeal was not relevant and this application should be considered on its own merits. However, the main difference between this and the subject of the appeal was that there were ten more units in the application the subject of the appeal.

Other members were minded to support the proposal as submitted on the grounds that the scheme complied with the masterplan for the Hythe, the principles of which had been approved by the council. There was recognition that this was a key area of regeneration and this scheme would achieve the completion of the complex. Whilst the development was not of the quality hoped for it was close to facilities and there was one parking space provided for each dwelling. There was a request that during construction the cycle routes should not be obstructed.

RESOLVED (FOUR voted AGAINST) that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to ensure the terms of the Section 106 Legal Agreement attached to the grant of planning permission F/COL/04/0947 are linked to this development.
- (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, subject to an amendment to the proposed Travel Plan to restrict parking permits to one permit for each dwelling.

102. 101428 and 101430 Wivenhoe House Hotel, Wivenhoe Park, Colchester, CO4 3SQ

The Committee considered planning application 101428 and a companion listed building application 101430 for the demolition of a 1980s wing to the Grade II* listed Wivenhoe House and its replacement with a new rear extension, together with internal and minor external alterations to the listed building and landscaping works within Grade II registered park and garden. 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.

RESOLVED (UNANIMOUSLY) that, in respect of planning application 101428, the application be approved with conditions and informatives as set out in the report.

RESOLVED (UNANIMOUSLY) that, in respect of listed building application 101430, the application be approved with conditions and informatives as set out in the report.

103. 101972 Colchester Academy, Hawthorn Avenue, Colchester, CO4 3JL

The Committee considered an application for the replacement of three existing O2

antennas for three sharable O2/Vodafone antennas and installation of ancillary equipment, comprising remote radio heads on the existing antenna support poles and the installation of an equipment cabinet within the existing O2 cabinet at ground level. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Subject to no objections being received before the expiry date of the consultation period on 22 October 2010 which raise material planning issues not covered by the report, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

(b) If material planning objections are received before the expiry date of the consultation period on 22 October 2010 which are not covered by the report, the application to be considered at a future meeting of the Planning Committee.

104. 101564 3 Highfield Drive, Colchester, CO3 3QA

The Committee considered an outline application for a detached four bedroom house and the replacement of an existing garage. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Louise Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She referred to backland and infill policies and to the loss of amenity and space and overshadowing. She was concerned that her outlook would be a solid brick wall 18 metres away from her front windows with a loss of space between the buildings and an intrusion on her amenity. Although two parking spaces were proposed, she believed the garage would not be used for a car. She referred to a recent application in the lane refused on the grounds of potential parking in the lane. The lane has a country feel which she compared to another, much larger proposal with similar circumstances which had been refused and upheld on appeal.

Councillor Hardy, attended and, with the consent of the Chairman, addressed the Committee. He had three concerns: the garden size, the plot width and the loss of a corner plot. The ultimate garden size of this proposal and no. 3 would be smaller than those at nos. 1 and 2 and contrary to the SPG which states that garden sizes should be larger than the minimum to reflect those in the area. In similar vein, the plot widths for the new proposal and no. 3 were much narrower than those at nos. 1 and 2 because those properties had garages alongside each dwelling. Finally, the loss of the corner plot could result in a loss of green space leading to an adverse impact on the visual amenity in the locality.

The Mayor, Councillor Lewis, attended and, with the consent of the Chairman, addressed the Committee. If given permission, she was concerned that this outline application could come back with minor amendments in a reserved matters application. She did not consider there was sufficient information for a decision to be made and considered the proposal was not in keeping with the surroundings or the road.

In response the planning officer confirmed that the smaller gardens did comply with the approved standards and the separation between nos. 3 and the new dwelling was adequate. Furthermore, it was not unusual to have adjacent houses without a garage between and this was insufficient reason to reject the application in principle. He explained that this application was not a backland development because there was a road frontage which continued around the side and an indicative layout drawing had been submitted which showed a means of access. The view was that there was sufficient information to determine the application.

Members of the Committee were concerned about parking provision in terms of whether the garage complied with the minimum size, whether the plot could provide the three spaces required under the new parking standards, and the applicant not having ownership of the space in front of the garage. The lane was unsuitable for parking because it was only wide enough for one vehicle with no passing places. In respect of the impact of the new dwelling on the host dwelling, there appeared to be windows on the side of the existing dwelling which would be affected by the close proximity of the new dwelling leading to lack of amenity for the existing dwelling. In respect of the impact on the area, there were concerns that not only would the proposal not enhance the area, it would alter the area substantially from an open cul de sac to an area with an obstructed view.

RESOLVED (UNANIMOUSLY) that the application be refused on the following grounds -

- the proposal is contrary to parking standards and is likely to cause congestion/haphazard parking at the end of the road contrary to the interests of highway safety;
- the applicant has failed to demonstrate that they own or control sufficient land to provide parking facilities of the type and number required by the Council's adopted parking standards;
- the loss of this open area and its replacement with an additional prominent dwelling will harm the character of this part of the street in that it will detract from the current open airiness which characterises the vicinity;
- the proposed dwelling, albeit shown in illustrative form, will adversely affect the amenity enjoyed by no. 3 Highfield Drive as a result of its close proximity, staggered juxtaposition, scale and bulk.

105. 100928 Land off Messing Road, Tiptree

The Committee considered an application for a proposed stable block and a new

access. The application is a resubmission of 091253. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Rebecca Harry addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that this scheme complied with policy guidance, and county council highway officers had confirmed it achieved acceptable site splays without the existing hedgerow being lost or damaged. A landscaping scheme had been designed to improve the entrance to the site and the dilapidated buildings would be replaced. She considered this type of application was perfectly suited to the countryside and would enhance the area. She confirmed that there was no intention to use the buildings for commercial activity.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee to represent the views of his constituents in Messing. Whilst he recognised that this was an appropriate proposal for the countryside he was anxious that it should not lead to a joining up of the two communities of Tiptree and Messing. Residents in Messing were concerned about the visual impact, any impact on the hedgerow and the time it would take for the hedge to re-establish. He referred to the planning history of the site and whilst he noted the comments from the Highway Authority he remained concerned about cars speeding. He asked that the barn should conform to the Essex standard.

Members of the Committee had noted a number of access points along that stretch of road, and although some of the hedgerow would be lost for the new access it would be for safety reasons. These buildings were substantially larger than the existing, deteriorating sheds and may have a more substantial impact on the surrounding countryside. However, some of the Committee did not consider them to be overly large. Reference was made to the last winter as evidence that there was a need for some stabling to be provided. The siting of the replacement buildings towards the centre of the field was an issue for some members of the Committee who considered a position adjacent to the hedgerow would reduce the visual impact. However, there was an alternative view that the planting screen was so good that the buildings would not be seen from the road. Whilst the materials were acceptable for a countryside location black boarding was preferred by some members who requested that materials be investigated with the applicant to make the buildings less obtrusive. Another issue was whether there would be a need for some lighting during the winter.

The planning officer described the proposed materials and in view of the Committee's comments suggested that it would be possible to impose a condition to require approval of materials prior to development to achieve those which most reduced the visual impact. In response to a query regarding a turning area, it was suggested that Condition 11 could be expanded to include the prior agreement of surface materials. The siting of the buildings had been determined by the access and it was considered

preferable for the buildings to be further from the frontage than in a more prominent position close to the hedge, although it was accepted that it would take time for the new planting to establish.

RESOLVED (ONE voted AGAINST and ONE ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet with Condition 11 expanded to include the need to agree surface material and treatment of the access road and parking area and provision of suitable turning area.

Councillor Andrew Ellis (in respect of having used the services of the agent) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

106. 101510 Chicken Shed, Meeting Lane, East Mersea, CO5 8TE

The Committee considered an application for a change of use of a former chicken shed to a live-work unit comprising storage and residential. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Tom Richardson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the farmland on two sides of the site. He considered ownership of the site to be relevant and there were conflicting claims about when the applicant first owned the site; Mr Richardson considered the applicant should be asked to provide evidence of purchase. This proposal would constitute development outside the village envelope and Spatial Policy had confirmed that it was within the Coastal Protection Belt. In any case, this was a retrospective application.

Ted Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that the report dealt with this matter as if it was a new dwelling but the proposal was the conversion of an existing building. Apart from the residential end, the major part of the building was in business use which benefited from a lawful use certificate. He acknowledged that this application was contrary to relevant local and national policy. He referred to the policy, determination of planning applications for economic development in rural areas, which states that the re-use of a building in the countryside for economic purposes will be preferable to residential purposes. He stated that the owner of a business was permitted to live on his own premises and if this proposal was refused a family with two teenagers would be made homeless. A Section 106 could be accepted which could tie these country people which would ensure removal of the existing business but allow them to live with their business but not to intensify.

Members of the Committee were aware that Essex County Council was keen on

live/work units. They were also aware of particular circumstances which would enable this use to be acceptable, for example: if these were important buildings in the countryside and there was no other use for them and this was the only way of saving them; if they were within a mixed development; or if the use was connected with animals. None of these circumstances applied to this case and therefore the proposal was not acceptable. The issue was a humanitarian one because this was a decision which could have a dramatic impact on a family's life and the Committee were concerned for the family. However, the Committee did not consider the use to be acceptable and an enforcement notice had been served on the occupant with a time limit.

The planning officer acknowledged that whilst there was a degree of support for the applicant, the advice was that there was a conflict with land use policies sufficient to justify a refusal. It was noted that the Committee had authorised the service of an enforcement notice in July which had not yet been served, pending the outcome of this application. At that time in the authorisation of the service of an enforcement notice, the Committee had put aside the personal circumstances of the applicant.

RESOLVED (ONE ABSTAINED from voting) that the application be refused on the grounds set out in the report.

107. 101766 St Pauls Hospital, Boxted Road, Colchester, CO4 5HE

The Committee considered an application for the erection of a new activity centre with extensions and a replacement gatehouse, acoustic fencing and replacement septic tank with pumping chamber. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Malcolm Nicholson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was an immediate neighbour of the Hospital and whilst he did not object to the application and he welcomed the acoustic fencing he did have an issue regarding on street parking. There had been parking problems ongoing at this site since 2000 and he had discussed the issue with the hospital's management on a number of occasions. He referred to signs being erected to remind staff that they should park within the site but this required policing which had only occurred within the last six weeks. He regarded conditions as important and he supported the development of an approved Travel Plan which included measures to ensure that residents were not inconvenienced by indiscriminate parking in Boxted Road. However, he stressed the need for staff parking to be monitored and the hospital's policy to be enforced.

Members of the Committee were concerned at the parking situation and suggested

that the internal roadway could be widened to accommodate more spaces within the site. It was also observed that there was no cycle shelter. A further concern was the possibility of fire on land adjacent to the site which might endanger buildings close to that boundary.

It was explained that the applicant had offered to formulate a Travel Plan which could be secured by condition. The Travel Plan could address the question of providing further parking spaces within the site with reference to the extant parking along northern boundary with the A12 which could be extended. A requirement for a cycle shelter could also be included. In terms of materials use, it was understood that buildings within proximity to a boundary had to be constructed in non-combustible material in order to accord with Building Regulations, and a requirement for the boarding to be non-combustible could be imposed.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for the following matters: -
- receipt of any comments from the Environment Agency and the Environmental Control Team,
 - improvements to the Travel Plan to secure an increase in on-site parking spaces, possibly by increasing the width of the internal roadway alongside the boundary with the A12.
- (b) Subject to observations from the Environment Agency and the Environmental Control Team which do not raise any objections to the scheme, and upon receipt of a satisfactory revised Travel Plan, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and any conditions that the Environment Agency and the Environmental Control Team require together with a condition to require the provision of a cycle shelter on site.
- (c) In the event that the matters above are not achieved, the application to be referred back to the Planning Committee for determination.

108. Revised Scheme of Delegation

The Head of Environmental and Protective Services submitted a report on proposed revisions to the Scheme of Delegation to Officers by the Planning Committee.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

In response to a concern raised by members of the Committee regarding the implementation date, it was suggested that the date could be delayed to enable the new scheme to be publicised to members. A date of 1 December 2010 was suggested.

RESOLVED (MAJORITY voted FOR) that the Scheme of Delegation to Officers by

the Planning Committee be amended with effect from 1 December 2010 with appropriate wording to authorise the Head of Environmental and Protective Services to determine:-

- (a) All planning applications classified as Minor or Other on which a material planning objection(s) has been received within the stipulated time span, and the recommendation is approval, and
- (b) All planning applications classified as Minor and Other on which a material planning objection(s) has been received within the stipulated time span, and a Section 106 Agreement is required.
- (c) The service of any Enforcement Notice.

109. Performance Monitoring // Planning application determination and Appeal analysis update

The Head of Environmental and Protective Services submitted a report providing details on the performance of the Planning Service judged against Government National Indicators and local indicators. The report also summarised details of 'allowed' appeals for the period 1 April to 30 September 2010. Members were requested to note the information provided.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. He referred to the increase in receipt of planning applications which was up by 15% on this period last year, and he also noted that Planning Inspectors seemed to have been more lenient when a site was screened by flora.

RESOLVED that the performance of the Planning Service as set out in the report by the Head of Environmental and Protective Services be noted.

110. Enforcement Performance Monitoring Report

The Head of Environmental and Protective Services submitted a report on the performance of the enforcement function together with details of progress on enforcement action taken from 1 July to 30 September 2010. The report was presented as part of the service's ongoing commitment to comprehensive performance management and in response to members' desires to ensure that the new, pro-active and robust approach adopted by the Planning Enforcement Strategy agreed on 1 July 2010 was fully pursued.

RESOLVED that the progress and status of the enforcement function be noted.