

**PLANNING COMMITTEE
14 FEBRUARY 2013**

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman*,
Peter Chillingworth*, Helen Chuah*, John Elliott,
Cyril Liddy*, Jon Manning, Nigel Offen* and
Laura Sykes*

Substitute Members :- Councillor Dave Harris for Councillor Stephen Ford
Councillor Pauline Hazell for Councillor Sonia Lewis
Councillor Terry Sutton for Councillor Jackie Maclean*
Councillor Gerard Oxford for Councillor Philip Oxford*

Also in Attendance :- Councillor Lesley Scott-Boutell
Councillor Colin Sykes

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

86. Urgent Items

Planning application for the construction of a new 300 place primary school with external hard and soft play areas, canopy and 20 space car park.

The report concerns an Essex County Council planning application for the construction of a new 300 place primary school with external hard and soft play areas, canopy and 20 space car park.

Members had been asked to endorse the proposal to withdraw the letter of objection (dated 5th November 2012) in respect of this application and that Essex County Council is advised that this Council has no objection to the amended scheme being approved, provided appropriate conditions are attached to secure a high standard of development.

This was taken as an urgent item because Essex County Council had formally notified the Council of the proposed amendments to this application and had asked for written comments by 18 February 2013.

The Committee had before it a report in which all information was set out.

Mr. Alistair Day, Planning Officer, attended to assist the Committee in its deliberations. Mr. Day explained that as a result of previous consultation the design and layout of the proposed school had been modified, and these changes were noted in paragraph 5.2 of the report. Mr. Day advised the Committee to endorse the proposal to withdraw the letter of objection in respect of this application.

Councillor Higgins insisted that there should be adequate cycle parking in the school, that with Colchester having Cycle Town Status it was right that Essex County Council is advised to set a good example in respect of the provision of cycle parking that is fully in compliance with the adopted standards.

Councillor Offen said the appearance of, and access to the building had been greatly improved. Councillor Offen said there was a need for more primary school places in the area and endorsed Councillor Higgins comments in respect of cycle parking. Councillor Offen proposed that the Committee agree the decision as set out in the report and to include the proposed advice in respect of cycle parking. Councillor Harris endorsed the comments of Councillor Higgins and Offen to advise Essex County Council of their obligations to cycle parking.

Councillor Chillingworth commented that the new appearance was very much improved from the original application, that the Design Team had done a good job and showed what can be done.

Mr. Day said the Council's response will include an assurance that the conditions on landscaping, including some new tree planting, are carried out. Mr. Day also confirmed that the response will include reservations to the intention to relax parking on Circular Road East.

RESOLVED (THIRTEEN voted FOR and ONE ABSTAINED from voting) that the Committee:-

- i) Endorsed the proposal to withdraw the letter of objection (dated 5th November 2012) in respect of this application and that Essex County Council is advised that this Council has no objection to the amended scheme being approved, provided appropriate conditions are attached to secure a high standard of development.
- ii) Requested officers to advise Essex County Council to set a good example in respect of the provision of cycle parking that is fully in compliance with the adopted standards.

87. Minutes

The minutes of the meeting held on 3 January 2013 and 17 January 2013 were confirmed as a correct record.

The minutes of the meeting held on 31 January 2013 were confirmed as a correct record subject to the following amendment – The declaration from Councillor Chillingworth in regard to application 122189 Kyloe, Penlan Hall Lane, Fordham to read “Councillor Chillingworth (in respect of being the applicant’s agriculture landlord) declared a pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(12)”.

88. 122122 Former Cooks Shipyard Phase 3, Walter Radcliffe Way, Wivenhoe

The Committee considered an application for a variation of Conditions 2 and 8 of application no. 091559 in order to include A3 restaurant use and to include reference to

Drawing Numbers 1369-105 and 1369-102.

The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application is approved with conditions and informatives as set out in the report, plus amendments of conditions and representatives received as set out in the Amendment Sheet.

89. 122146 10 Easter Park, Colchester

The Committee considered an application for a proposed new Volkswagen car dealership for the sale and service of motor vehicles including associated office and parts storage and MOT testing facility (resubmission of 120452).

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.

The Committee had before it a report in which all information was set out.

The Planning Officer's recommendation was for Conditional Approval, and Mrs Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Ms. Jean Dickenson (Myland Community Council) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She said flood protection is a major issue in Myland and felt the application did not provide for adequate drainage. Ms. Dickenson said the proposed building was imposing and was sited in a prominent position within easy view of the A12 dual carriageway, a totally inappropriate location. She was of the view that the building offered poor quality visibility to those visitors accessing the carriageway junction to visit the town centre. She said the purpose of the new developments was to generate employment, but felt given the low number of anticipated employees and the size of the building development the application was in breach of policy DP5 of the Development Policy. Ms. Dickenson concluded by saying she felt the Core Strategy Process had not been properly applied to the application.

In response Mrs. Jackson said the car dealership is allowed under local planning policy. She said it was a substantial building that will employ a significant number of people and is an appropriate use for this site. She acknowledged that there are drainage and flooding issues in the area but these had been addressed by Planning Policy in paragraph 8.4 of the report, and it was anticipated that these measures will alleviate any concerns. She concluded by saying the site will be subject to substantial decent landscaping that will help mask a large amount of the parking.

The Committee was sympathetic to the concerns of Myland Community Council, but felt these concerns had been addressed by Planning Policy. However whilst the Committee had differing views to the visual impact of such a substantial building were in agreement that substantial landscaping will mask and soften the overall site.

Mrs. Jackson confirmed that a informative can be added to prevent hoardings being viewed from the A12 dual carriageway. Mr. Vincent Pearce, Development Service Manager said a condition could be added to ensure the outlying areas used to be landscaped could be used for no other purpose.

RESOLVED (UNANIMOUSLY) that the Committee approved the deferral of the application (as set out in the Amendment Sheet) until a further response is received from the Environment Agency and if the response is still an objection or if it has not been received by the 4 March 2013 the application will be refused on drainage and flood risk grounds. If officers accept the application, the Committee also approved the application with conditions and informatives as set out in the report together with an additional condition stating that all landscaped areas will not be used for any other purpose.

90. 122272 Old Police Station, 37 Queen Street, Colchester

Councillor Barlow (in respect of being a Member of 15 Queen Street) declared a non pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for alterations, demolitions and repairs to the existing building, including change of use to creative business centre and café.

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.

The Committee had before it a report in which all information was set out.

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee raised concerns in respect of the application and the need for the building to be fully DDA (Disability Discrimination Act) compliant, including lift access to all floors.

Mr. Alistair Day explained that from the outset of the original discussions, it was suggested that a lift would be constructed within the current stairwell and this would require a great deal of adaptation. He said that because of the current difficulties in entering the building due to the tenant being in administration, the architects could not confirm the condition of the timber frame construction and therefore demonstrate the impact of a new lift on the stairwell of this Grade II listed building and it was therefore considered prudent not to hold up this application because of this. Mr. Day said it was the applicant's intention to do the exploratory work and install a lift.

Members of the Committee remained concerned, with Councillor Oxford suggesting that the application should be amended whereby approval was conditional on the provision of a lift / lift platform to all floors of the building. He said it is possible to

accommodate a platform lift without interfering with the fabric of the building.

Councillor Barlow said this was another part of the St Botolph Quarter to be regenerated and confirmed that creative business centre hubs are thriving in the town centre. Councillor Barlow endorsed Councillor Oxford's proposal to include an additional condition for the provision of a lift to all floors. Councillor Offen also supported what he considered was an excellent proposal.

RESOLVED (UNANIMOUSLY) that the Committee:-

i) Agreed that subject to no objection(s) being raised (that cannot be overcome by conditions) the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the conditions and informatives as set out in the report, together with the additional conditions as set out in the Amendment Sheet.

ii) That the informative "that the building must be fully DDA compliant before occupation" is supported by the additional condition "Before any upper floor can be put into beneficial use, a lift must be provided to that floor".

91. 122273 Old Police Station, 37 Queen Street, Colchester

Councillor Barlow (in respect of being a Member of 15 Queen Street) declared a non pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The committee considered a Listed Building application for alterations, demolitions and repairs to the existing building, including change of use to creative business centre and café.

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.

The Committee had before it a report in which all information was set out.

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations

RESOLVED (UNANIMOUSLY) that the Committee:-

i) Agreed that subject to no objection(s) being raised by English Heritage and/or the Amenity Societies, the application is referred to the National Planning Casework Unit advising that this Authority is minded to recommend a conditional approval.

ii) That the informative "that the building must be fully DDA compliant before occupation" is supported by the additional condition "Before any upper floor can be put into beneficial use, a lift must be provided to that floor".

92. 122040 11-16 Duffield Drive, Colchester

The Committee considered an application for the installation of 10 metre length of timber fencing with concrete gravel boards about 1.8 metres high, which will include a gated entrance.

The Committee had before it a report in which all information was set out.

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

93. 121424 Abbey House, Flagstaff Road, Colchester

The Committee considered an application for the conversion of the former MOD Police Station to form 2 residential units, together with the conversion of the Coach House to form garaging and storage, plus associated external works.

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.

The Committee had before it a report in which all information was set out.

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. Mr. Day confirmed that officers had received two letters, from a nearby resident and the St Johns Green Residents Association, in support of the application.

The Committee considered this to be an excellent application and in an area of the town deserving the care and attention being proposed. They felt this new application was much improved from the original application and with the need to safeguard open space were in agreement with an area of land adjoining the medieval Abbey Gatehouse been secured as public open space.

RESOLVED (UNANIMOUSLY) that the Committee approved the application with conditions and informatives as set out in the report, plus amendments of conditions and representatives received as set out in the Amendment Sheet. Approval of the application is subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990, with the Head of Environmental and Protective Services authorised to complete the agreement to, a) link the application to the main garrison legal agreement; b) Link the repair of Abbey House to the occupation of the new terraced housing proposed under planning application 121426.

94. 121426 Abbey House, Flagstaff Road, Colchester

The Committee considered an application seeking approval of reserved matters following outline approval (O/COL/01/0009) for the proposed erection of five residential units (Plots 3-4), including associated works.

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.

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that the Committee approved the application with conditions and informatives as set out in the report, plus amendments of conditions and representatives received as set out in the Amendment Sheet. Approval of the application is subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and authorised the Head of Environmental and Protective Services to complete the agreement to provide linking the occupation of the proposed dwelling houses to the repair of Abbey House.

95. 130017 Meadowside Lodge, Olivers Lane, Colchester

The Committee considered an application for an extension to an existing building because the agent works in the Council's Building Control Team.

The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the Committee approved the application subject to the conditions and informatives as set out in the report, plus representatives received and responses as set out in the Amendment Sheet.

96. 121987 8 Sandmartin Crescent, Stanway

The Committee considered an application for the erection of a picket fence between drives of No. 6 and 8 Sandmartin Crescent (to be 1 metre tall and 8.6 metres long).

The Committee had before it a report in which all information was set out.

Ms. Lucy Mondon, Planning Officer attended to assist the Committee in its deliberations.

Councillor Colin Sykes attended and, with the consent of the Chairman, addressed the Committee. He explained that all that part of Sandmartin Crescent at the centre of the whole development, is quite distinct with open plan drives with no dividers or fences separating properties. The estate remains as the Council originally intended. He said the fence being proposed was both an alien and incongruous feature and should be rejected in terms of planning policy. He said that in respect to the Principal Policy UR2 – Built Design and Character, the proposal was discordant with the development and failed to enhance the area and therefore if the Committee approved the application it will set a precedent and open up the Council to further similar applications. Councillor

Sykes concluded by asking the Committee to reject the application

Councillor Lesley Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She asked the Committee to support the proposal and for the reasons set out in paragraph 15.9 of the report. She did not believe the proposal will impact on the neighbours amenity or on the overall development and suggested the proposed fence was better than the current plant pots. Councillor Scott-Boutell said Stanway Parish Council had not raised any objections and reiterated her request for the Committee to support the proposal.

In response, Ms. Mondon said there are examples of dividing fences on the development, e.g. at 7/8 Nightingale Close, although this does not appear to benefit from planning permission. Despite there not being many examples of fencing in the area, the proposal would not impact on the character of the estate as it would not be overly visible.

Mr. Pearce said the picket fence being proposed and set back from the boundary line will not harm the arcadian character and overall design of the estate.

Councillor Laura Sykes said the estate is an open plan environment and the erection of fences as that proposed does harm the amenity. She said approving the proposal will set a precedent, with different styles and colours being introduced, and the Council should be trying to preserve what is there. Councillor Offen said that he believed in an open plan environment the introduction of dividing fences will harm the appearance of the estate, and given he could not think of a valid reason for a fence being erected suggested the proposal should be rejected.

Councillor Chillingworth said he would be happy if the colour of the picket fence was dark green or brown in keeping with the arcadian character of the development.

RESOLVED (EIGHT voted FOR and SIX voted AGAINST) that the Committee approved the application subject to the conditions and informatives as set out in the report.

97. Endorsement of proposed amendment to the S229a Garrison legal agreement in respect of the provision of affordable housing on Area 1

Councillor Barlow (in respect of being involved in the negotiations concerning this site when he was the Portfolio Holder for Commerce and Sustainability) declared a non pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered the proposal that required them to endorse a Deed of Variations to legal agreements that would result in a change in the provisions of the obligations secured under the original agreement.

The Committee had before it a report in which all information was set out.

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

The Committee considered the proposal and some members raised concerns over the reduction in affordable housing, that there are many people wanting to get on the housing ladder and the Council should be endeavouring to provide every opportunity it can to those people. Whilst members believed the proposal had a good case to reduce the number of affordable housing units, and 22 affordable housing units was better than none, some members said they could not support the proposal.

RESOLVED (TEN voted FOR, THREE voted AGAINST and ONE ABSTAINED) that the Committee endorsed the proposal to provide a reduced provision of affordable housing on the part of the Garrison Urban Village Development known as Area A1 (the former Hyderabad and Meeanee Barracks site).

98. Endorsement of proposed amendment of the legal Agreement in respect of the provision of play equipment on land at Maximus Drive and Rawlings Crescent, Colchester

The Committee considered the proposal that requested them to endorse a Deed of Variation to the original legal agreement that would result in a change in the provisions of the obligations secured under the original agreement.

The Committee had before it a report in which all information was set out.

Mr. David Whybrow, Principal Planning Officer attended to assist the Committee in its deliberations

RESOLVED (UNANIMOUSLY) that the Committee endorsed the proposal to provide a reduced contribution towards play equipment to be provided as part of the development off Mill Road and for this contribution to be transferred to provide additional play equipment and landscaping at the established play area at Rawlings Crescent and as set out in paragraph 4 of the report.

99. Endorsement of proposed amendment to the s106 legal agreement in respect of the provision of affordable housing on Area S2SW of the Garrison Urban Village Development – Application No. 091563

The Committee considered the proposal in light of the need for them to endorse Deed of Variations to legal agreements that would result in a change in the provisions of the obligations secured under the original agreement.

The Committee had before it a report in which all the information was set out.

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that the Committee endorsed the proposal to change the specified tenure of the affordable housing on Area S2SW from shared ownership tenure to shared equity.