

**PLANNING COMMITTEE**  
**20 JUNE 2013**

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

*Substitute Member :-* Councillor Marcus Harrington  
for Councillor Peter Chillingworth\*

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

**19. Minutes**

The Minutes of the meeting held on 23 May 2013 were confirmed as a correct record.

**20. 130654 & 130655 - Unit 1, Tollgate Centre, Tollgate West, Stanway, Colchester**

**Councillor L. Sykes (in respect of previous mayoral engagements with the applicant) 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 alterations to the front and rear elevations including a new entrance feature and shop fronts and the reconfiguration of car parking and installation of a mezzanine floorspace. An application for the use of Units 1B and 2A, as proposed, to be amalgamated for the sale of an extended range of A1 non food retail goods was also considered. The Committee had before it a report and amendment sheet in which all the relevant information was set out.

*RESOLVED* that -

(i) In respect of application no 130654 (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report and amendment sheet.

(ii) In respect of application no 130655 (UNANIMOUSLY) that –

(a) subject to the completion of the Section 106 Legal Agreement within six months of the date of the Committee meeting to provide to following –

- Travel Plan Provision (£3,500);
- Community Transport Contribution (towards community bus) (£3,000); and
- Walking and Cycling Infrastructure to improve routes from and within the development area (£30,000),

authority be delegated to the Head of Commercial Services to approve the application,

subject to the conditions set out in the report and amendment sheet.

(b) In the event that the Section 106 Legal Agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the application.

## **21. 130578 & 130579 - Town Hall, High Street, Colchester**

The Committee considered an application for the proposed change of use to restaurant, café and function rooms. An application for listed building consent for the proposed change of use was also considered. The Committee had before it a report in which all the relevant 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.

Although not planning considerations, it was requested that the fixtures and fittings on the site would be retained and that the intellectual property rights in relation to the civic insignia be investigated.

*RESOLVED* that, subject to the additional requests in relation to fixtures and fittings and the civic insignia, -

(i) In respect of application no 130578 (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

(ii) In respect of application no 130579 (UNANIMOUSLY) that the listed building consent be granted, subject to the conditions set out in the report.

## **22. 130794 - 1 Layer Road, Colchester**

**Councillor Harrington (in respect of his past custom at the Drury Arms) 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 erection of a single-storey rear extension, plant and bin store, external alterations (including provision of ATM and new glazed entrance), new vehicular access and associated hard standing for car park, service and delivery area and a 1.8 metre boundary wall. The Committee had before it a report and amendment sheet in which all the relevant information was set out.

Ms Lucy Mondon, Planning Officer, Mr Lee Smith-Evans, Urban Design Officer, and Mr Simon Cairns, Planning Project Manager, attended to assist the Committee in its deliberations.

Mr Mike Hardy addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He made the general

observation that as the building was included on the Colchester Local List it was historically important, which he did not believe had been addressed fully, as a Heritage Statement had not been included in the report. He also pointed out that the extension proposed was an extension to a part of the building developed in 1995, so was not compatible with original features.

Mr Dave Onions addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He suggested that this application was much altered from the previously refused application, with a 40% reduction in the design. He stated that several benefits would arise from the development for local residents, including a right-hand filter lane, a widened footpath and repaired facades on the building itself. He remarked that the Planning Inspector had found noise levels and car parking arrangements acceptable.

Councillor Pauline Hazell attended and, with the consent of the Chairman, addressed the Committee. She suggested that this proposal would have a detrimental effect on the building and the surrounding area. She compared this application to a previous refusal of a replacement window on a nationally listed building, for the reason that it would be detrimental to the community. She also raised concerns about the future use of the strip of land which had been left undeveloped. Finally, she pointed out an application to permit the retention of the metal shutters on the frontage of the site had been refused, but they had yet to be removed.

Councillor Lyn Barton attended and, with the consent of the Chairman, addressed the Committee. She commented that local residents were unhappy with the prospect of a new convenience store in the area and valued the heritage of this site. Although the right-turn lane and widened footpath were welcomed, there were still many highway issues that needed to be resolved, as the area was well used by residents and school children.

Councillor Nigel Offen attended and, with the consent of the Chairman, addressed the Committee. He suggested that the addition of an ATM within the development was a major alteration and needed further consideration. He believed this addition would have a great impact on the traffic visiting the site, as it would be the closest ATM to the nearby Garrison and associated extensive residential development. He urged a deferral of the application to re-examine the highways matters, with the ATM in mind.

Councillor Nick Cope attended and, with the consent of the Chairman, addressed the Committee. He stated that highway matters were still a concern, with many lorries already having to mount the pavement. The cumulative impact of other developments in the area would be significant. He suggested that protection from competition had previously been a legitimate planning consideration.

Councillor Sue Lissimore attended and, with the consent of the Chairman, addressed the Committee. She referred to a serious road traffic accident earlier in the week, involving a cyclist on the nearby mini-roundabout and suggested that this may have an impact on the views of the Highway Authority on the application. She suggested that the manoeuvring of delivery vehicles on the site would pose a threat to pedestrian and other road users, as she was of the view that vehicles would have to reverse onto a

busy junction. She urged that the highways matters for this application be reviewed.

The Committee discussed several issues including:

- The impact of the buildings inclusion on the Colchester Local List.
- The fact that the disabled car parking provided was not in accordance with parking policy standards.
- The size, accessibility and timing of delivery vehicles.
- The proposed structure of the plant and bin store, its relationship with the original building and the extension and whether this constituted an attachment to the main body of the building.

It was explained by the Planning Officer that the Highways Authority had been aware of the cumulative impact of surrounding developments and the inclusion of the ATM on-site when making their consideration of the application. She reported that Enforcement Officers were aware of the metal shutters on the site. In response to the questions raised regarding the locally listed nature of the building, it was clarified that this category of listing did not provide as a great a protection from development as nationally listed properties. As such, the matter had been considered during the application, but did not preclude any and all development. In this circumstance, the application was regarded by the Urban Design Officer as acceptable.

The Planning Officer referred to tracking diagrams, submitted by the applicant as part of the application, which illustrated that delivery vehicles could navigate the site, although with little room to spare. She also clarified that the proposed plant and bin store was not a roofed structure but a space enclosed by walls.

*RESOLVED* (NINE voted FOR and ONE ABSTAINED) that consideration of the application be deferred and, prior to the resubmission of the application to the Committee, officers be requested to obtain further information in relation to:

- The views of the Highway Authority particularly in relation to the impact of the recent road traffic accident;
- The delivery vehicle access considerations;
- The potential for additional disabled parking provision on the site;
- Design improvements in relation to the plant and bin store.

## **23. 130880 - 103 Old Heath Road, Colchester**

**Councillor T. Higgins (in respect of her acquaintance with the objector) 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 a proposed rear extension. The Committee had before it a report and amendment sheet in which all the relevant 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.

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

Mr Dominic Collins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He suggested that, as a direct neighbour, his property would be subject to the overbearing impact of this development. He stated that the development would have a significant detrimental impact as it was over 4 metres in height, directly next to his patio. He also commented that the light to his kitchen would be blocked, as a glass conservatory would be replaced by a brick wall. He was further concerned that if the boundary wall was altered, it would be irrevocably damaged.

Councillor P. Higgins attended and, with the consent of the Chairman, addressed the Committee. He commented that it would be unreasonable to block light coming into the neighbours' kitchen and suggested that the Committee needed to make an on balance decision taking this and the favourable replacement of the existing structure into account.

The Committee discussed the potential benefits of the application for the neighbour, which included increased privacy and, if conditioned, an improvement to the boundary wall. They sympathised with the objector with regard to his concern about the potential loss of light to what was established to be a utility room.

It was explained by the Planning Officer that considerations in relation to loss of light were governed by the '45 degree' rule, which in this case, however, did not apply as a utility room was not considered to be a 'habitable room'. In addition, when considering the extent of development that could be undertaken within permitted development rights, the Planning Officer believed the proposed development to be acceptable.

**RESOLVED (UNANIMOUSLY)** that the application be deferred and delegated to the Head of Professional Services in order to secure by additional condition the rebuilding of a brick boundary wall and, if neighbours agree, the inclusion of a high level glazed window.