

PLANNING COMMITTEE

26 JUNE 2008

Present :- Councillor Ray Gamble* (Chairman)
Councillors Mary Blandon*, Nigel Chapman*,
Peter Chillingworth*, Helen Chuah*, Mark Cory*,
John Elliott*, Stephen Ford, Wyn Foster*, Chris Hall*,
Sonia Lewis* and Nigel Offen*

(* Committee members who attended the formal site visit.
Councillor Hall was present for the site visit at minute
nos. 52 and 58 only.)

51. Minutes

The minutes of the meeting held on 12 June 2008 were confirmed as a correct record subject to the addition of the following sentence at the end of the second paragraph in minute no. 44:- "Ward Councillor Fairley-Crowe was in attendance at the formal site visit pursuant to Section 7(3) of the Planning Procedures Code of Practice."

Councillor Chris Hall (in respect of his employer's premises being in close proximity to the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

52. 071108 Land to the north of London Road, Stanway

The Committee considered an outline application for a mixed development of a new retail superstore, associated parking and a petrol filling station. 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. Ward Councillor Maclean was in attendance at the formal site visit pursuant to Section 7(3) of the Planning Procedures Code of Practice.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations. He described the layout of the superstore, petrol filling station, car parking and the service entrance within the site. Conceptual drawings had been submitted with a good mix and variety of materials and the form of the filling station reflected the design of the superstore. Highway improvements comprising bus stop improvements, pedestrian crossings and cycleways around the perimeter of the site were included. It was considered that objections to the proposals could be dealt with by way of conditions at the reserved matters stage. The site was designated for employment uses and the transfer of the superstore from its present site would result in a small net loss of employment use land. However current take up rates of employment land throughout Colchester was currently slow and the view had been

taken that there was an adequate supply of employment land and the proposal would not have an adverse effect on other outlets in the town centre. The retail land use for the current store would be relinquished for at least 2 years while the building was marketed for employment uses. London Road was a leafy road and whilst the screening wall and acoustic fencing was necessary a planting scheme would help to retain the leafy character of the road; further details of the screening in the London Road frontage and the service yard would need to be seen. He also referred to the innovative retail training programme.

Members of the Committee considered that this was a very important application in this part of the town with a lot of work having been done to get the application right. The loss of a small amount of employment land was more than compensated for in the Stane Park development, and this proposal would achieve considerable employment. Members were satisfied with the Section 106 Agreement, the training package and the design but considered that the number of parking spaces should be constrained to the actual number permitted under local plan policies which would release a little extra land. They wanted the extra land to be utilised to as a stacking area for customers' cars when the site was at its busiest so as to avoid traffic backing up onto the new relief road. The solid barrier along the London Road frontage would prevent sound leakage from the site but an additional soft landscaping scheme would fit in with the character of London Road. These measures were supported. Deliveries of lorries could be controlled by condition.

In respect of 'green' issues, it was explained that it was only possible to request that the building be as 'green' as possible by way of an informative; it was not possible to impose a condition in this respect because there were as yet no policies in place to support the measure.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred and referred to GO-East for a decision on whether it would be called in by the Secretary of State because it was a departure from the Local Plan. The Secretary of State to be advised that, subject to the signing of a Section 106 Agreement to secure, amongst other things, matters referred to in Section 10 of the report, the Council was minded to grant approval with conditions and informatives to include:-

- Submission of detailed elevation drawings at a scale of 1:100 and layout drawings (with particular attention to the design, appearance, texture, colour, profile, illumination, materials used in the decorative panelling)
- Reserved matters to closely match the detail submitted including design code
- Restriction on the total gross/net retail floor area and restriction on the amount of sales area for comparison goods
- Restriction on the creation of mezzanine floorspace
- Recycling to be provided within the site
- Additional detail of yard enclosure, acoustic screening and delivery cages to be used
- Requirement to agree a delivery vehicle layover strategy with the Council prior to commencement

- Submission of landscaping/irrigation
- Tree retention
- Water storage on-site
- Archaeological watching brief
- Submission of drainage details (SUDS)
- Control over construction times, compound location and construction vehicle delivery routes
- Submission of lighting detail
- Cycle parking provision
- Restriction on the use of car park for any purpose other than customer parking,
- Reduction in the overall level of parking by 30 spaces and the extra land generated to be used for a scheme to mitigate against cars backing up onto the roadway,
- any landscaping scheme to include soft landscaping to soften the London Road boundary, and
- any other conditions considered appropriate by the Head of Planning, Protection and Licensing.

(b) Upon notification from GO-East that the Secretary of State did not wish to call in the application, the Head of Planning, Protection and Licensing be authorised to grant planning consent with conditions and informatives as indicated.

Councillor Chris Hall (in respect of his employer's premises being in close proximity to the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

53. 070390 Land at Floral Acres/Tollgate West, London Road, Stanway

The Committee considered an application for the erection of a new two storey B1 use office building fronting onto the recently completed northern section of the Western Bypass together with circulation areas, car parking, covered cycle parking, landscaping and access. This proposal was immediately north and adjacent to the proposal at minute no. 55. The building materials would be drawn from a pallet of materials which provided continuity with another office building to the north which already had planning permission. 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.

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

Members of the Committee expressed some concern that the presence of a neighbouring poultry farm could give rise to nuisance from smells etc. However, it was explained that the Council's Environmental Control Team would only have raised an issue regarding the adjacent poultry farm if this application had been for residential use. The land currently occupied by the poultry farm was allocated for industrial

development.

RESOLVED (UNANIMOUSLY) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

Councillor Chris Hall (in respect of his employer's premises being in close proximity to the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

54. 070391 Land at Tollgate West, Stanway

The Committee considered an application for the erection of a distribution centre together with circulation areas, car parking, landscaping and access. The Committee had before it a report in which all information was set out, see also Amendment Sheet. This site is the subject of application 071932 for a car showroom also on this agenda, see minute no. 56.

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.

Members of the Committee did not have any issues with the application itself, but there was some concern about the number of applications for distribution centres in the Tollgate area and highways issues in respect of the ability of the road network to cope with the additional traffic and the potential for large vehicles to use local roads through villages. Members were disappointed that the traffic surveys related only to the Tollgate Centre and no account had been taken of the traffic flow in the wider locality, particularly Stanway, Copford and Marks Tey.

Whilst there was some sympathy with the Committee's concerns about traffic

generation, the Highways Authority had undertaken an analysis of traffic and the infrastructure was considered acceptable for the level of traffic predicted which left the Council with no grounds to impose any restrictions. However, a letter could be submitted to the Highways Authority conveying the concerns of the Committee and any response be passed to the Chairman.

RESOLVED (ELEVEN voted FOR, ONE ABSTAINED from voting) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

Councillor Chris Hall (in respect of his employer's premises being in close proximity to the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

55. 071087 Floral Acres/Tollgate West, London Road, Stanway

The Committee considered an application for the erection of a new two storey B1 use office building orientated at right angles to the recently completed northern section of the Western Bypass, together with circulation areas, car parking, covered cycle parking, landscaping and access. This proposal is immediately south and adjacent to the proposal at minute no. 53 above. The building materials would be drawn from a pallet of materials which provided continuity with an office building to the north which already had planning permission. 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.

RESOLVED (UNANIMOUSLY) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

Councillor Chris Hall (in respect of his employer's premises being in close proximity to the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

56. 071932 Land at Tollgate Weset, Stanway

The Committee considered an application for the erection of a car showroom/workshops together with circulation areas, car parking, covered cycle parking, landscaping and access. The Committee had before it a report in which all information was set out, see also Amendment Sheet. This site is the subject of application 070391 for a distribution centre also on this agenda, see minute no. 54. The building would be constructed using steel and glazed areas which was common throughout Europe but unique in the United Kingdom.

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.

Members of the Committee considered this building to be the better of the two proposals for this site.

RESOLVED (UNANIMOUSLY) that –

- a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-
- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
 - The payment of a £3,000 Travel Plan monitoring fee.
 - The setting aside of land for possible future alterations to the western bypass, as

required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

Councillor Chris Hall (in respect of his employer's premises being in close proximity to the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

57. 080640 Tollgate West, Stanway

The Committee considered an application for the erection of a distribution centre together with circulation areas, car parking, landscaping and access road. The application was a resubmission of F/COL/06/2056. 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.

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

Members of the Committee again expressed concerns about the number of applications for distribution centres in the Tollgate area and highways issues in respect of the ability of the road network to cope with the traffic and the potential for large vehicles to use local roads through villages. They remained disappointed that the traffic surveys related only to the Tollgate Centre and no account had been taken of the traffic flow in the wider locality, particularly Stanway, Copford and Marks Tey, see also minute no. 54.

RESOLVED (ELEVEN voted FOR, ONE ABSTAINED from voting) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning,

Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

Councillor Chris Hall (in respect of his employer's premises being in close proximity to the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

58. 080642 Tollgate West, Stanway

The Committee considered an application for a restaurant, car parking, landscaping and access, a resubmission of F/COL/06/2057. The site is an area of land bounded by Tollgate West and the Tollgate Medical Centre. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. It was explained that this application was for a restaurant only and not a takeaway. The design of the building was a single storey element with a flat roof, comprising glazed areas to the front and projecting steel columns. Whilst it was an unusual design it reflected the style of the remodelled buildings in the Tollgate Centre.

Members of the Committee had some concerns regarding the prevailing wind taking any smells across to nearby homes to the west. A very high standard state of the art extraction and odour control system was requested to provide as much protection to local residents as possible. There was a view that the design was uninteresting and generally poor. Other members considered the building was set well back and there was considerable screening from the road.

It was explained that it would be possible to impose a condition in respect of air emissions. The building was six metres high but had no impact on the adjoining medical centre in terms of the 45 degree rule. It was explained that this was an amended design and was submitted on the back of other applications in the Tollgate Centre using a similar construction approach. Planning officers were comfortable with the design provided the detail was good and would not be harmful to the visual amenity.

RESOLVED (UNANIMOUSLY) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)

- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

59. 080693 Building 4, Moler Works, Colne View, Colchester

The Committee considered a partially retrospective application for the erection of fifteen dwellings, four of which have been completed, following application F/COL/06/1067, a resubmission of 071984. The report explained that this application was identical in every respect to the previous application F/COL/07/1984 which the Committee resolved to approve subject to a legal agreement and the satisfactory resolution of an objection by the Environment Agency. The applicants were unable to resolve the flood risk issue within the 13 week period and the application was refused. A Flood Risk Assessment was submitted six weeks after submission of this application and at the time of writing the report no comments had been received from the Environment Agency. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED that consideration of the application be deferred –

(a) To permit the Environment Agency to confirm that it wishes to raise no objections on flood risk grounds and no alterations are proposed to the physical form of the building or its surroundings that might potentially harm their appearance and or functionality, and for completion of an appropriate legal agreement to secure the following contributions:

- £240,000 towards off site affordable housing provision;
- £8,805 towards the East Colchester Regeneration Area Transportation Fund;
- £12,006 towards the provision or improvement and/or maintenance of open space.

(b) Upon receipt of such confirmation from the Environment Agency and the completion of a satisfactory legal agreement, the Head of Planning, Protection and Licensing be authorised to grant consent with conditions to cover the following matters:-

- Full Planning Permission Time Limit
- Detail of bicycle parking to be submitted and agreed
- Details of refuse storage to be submitted and agreed
- Details of communal storage areas to be submitted and agreed
- Details of car parking to be submitted and agreed
- A car park management strategy to be submitted and agreed
- Any other appropriate conditions recommended by the Environment Agency or

considered appropriate by the Head of Planning, Protection and Licensing.

(c) If the applicants fail to complete a satisfactory Section 106 Agreement as set out above and the flood risk issues are not resolved without adversely affecting the physical appearance or functionality of the building and its surroundings in time to enable permission to be issued before the expiry of the 13 week determination period, the Head of Planning, Protection and Licensing be authorised to refuse the application for failure to comply with these requirements.

60. 081016 Cowdray Avenue, Colchester

The Committee considered an application for alterations to the existing perimeter fencing around an artificial pitch to form recesses using 4.0 metre high "Ball Stop" fencing to match existing. The proposal concerns the existing weld mesh fencing around the perimeter of the site. It is proposed to extend this fencing using matching fencing to create new 20 metre by 3 metre recesses at either end of the pitch to be used for the storage of sports equipment within the enclosed area. The Committee had before it a report in which all information was set out.

RESOLVED that the application be approved with conditions as set out in the report.

61. Section 106 Agreement // Harveys Farm, Wigborough Road, Peldon, COL/04/0337

The Head of Planning, Protection and Licensing submitted a report requesting authorisation to delete the requirement for a Section 106 agreement and to replace it with a standard condition removing permitted development rights under The Town and Country Planning Act (General Permitted Development) Order 1995, Classes A to E of Part 1, and Classes A to B of Part 2 of Schedule 1 of the Order. The application had been for a change of use from an agricultural holding to create a residential curtilage and the conversion of a former farm building to ancillary domestic use. The Committee had before it a report in which all information was set out.

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

RESOLVED (UNANIMOUSLY) that the need for the applicants to enter into a Section 106 Agreement be replaced by a condition removing the Permitted Development Rights over the new garden area thus preventing it being covered by garden structures and fixtures such as sheds and fences, as referred to in paragraph 4 of the report by the Head of Planning, Protection and Licensing.

62. Breach of Condition Notice // 27 Marlowe Way, Lexden, Colchester

This report was withdrawn from consideration at this meeting by the Head of Planning,

Protection and Licensing. Remedial works have been agreed and therefore it is no longer reasonable to serve a breach of condition notice.

63. Enforcement Notice // Land at Elm Farm, Elm Lane, Marks Tey

The Head of Planning, Protection and Licensing submitted a report seeking authorisation to take enforcement action for the cessation of the use as a haulage yard and the removal of the portacabin office, the cessation of the use for storage of building materials, and the associated earth bunds, all sited on the land contrary to planning policies with a compliance period of six months. The Committee had before it a report in which all information was set out.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that an enforcement notice be served with a compliance period of six months requiring the cessation of the use as a haulage yard, the removal of the portacabin office, the cessation of the use for storage of building materials and the associated earth bunds, all sited on the land contrary to planning policies.

64. Amendment Sheet