

PLANNING COMMITTEE
21 MAY 2009

Present :- Councillor Ray Gamble* (Chairman)
Councillor Sonia Lewis* (Deputy Mayor)
Councillors Mary Blandon*, John Elliott*,
Andrew Ellis*, Stephen Ford, Theresa Higgins*,
Jackie Maclean*, Jon Manning and Ann Quarrie*

Substitute Members :- Councillor Laura Sykes
for Councillor Helen Chuah*
Councillor Nick Barlow for Councillor Mark Cory*
Councillor Richard Martin
for Councillor Sonia Lewis*

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

3. 090217 Land adjacent (South) Grange Road, Tiptree

This application was withdrawn from the agenda by the Head of Environmental and Protective Services.

4. 090099 Culver & Lion Walks, 9-21 Trinity Square, 30-33 Eld Lane, 87 Culver Street East, Colchester

The Committee considered an application for public realm works, including landscaping and street furniture, an extension to BHS entrance to Culver Walk, re-pointing of brickwork, the application of rendering/blind glazing onto existing brickwork on 7, 8, 9, 10 and 19 Culver Walk, replacement of timber soffit with white opaque glazing in Lion Walk Shopping Centre (except the Library), provision of new glazed canopy at 6, 8, 9 and 10 Culver Walk, and lighting proposals. 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.

Sue Jackson, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Dave Stenning addressed the Committee on behalf of Colchester Civic Society pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that any change should reinforce the inherent character of this shopping area. The red brick and slate are real

materials and generally more worthwhile than synthetic materials. Of particular concern were the gable projections on the north side of the scheme. Whilst he considered these architectural features to have character, the repeated asymmetry was unnecessary and did not sit well with the Colchester skyline. White always looks bigger than grey and retaining concrete on one side would seem more satisfactory. He preferred light render or painted timber to shining plastic panels. The entrance to BHS will present a sheet of glass; and red bricks are better left exposed and allow the pointing to make them sparkle. Metal would be functionally dubious and clutter the elevation. The Civic Society would like the Committee to postpone a decision.

Paul Till addressed the Committee on behalf of the applicant pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The gable projections are not the subject of this application. There is no render frieze and the so-called welsh slate is a synthetic copy which has started to discolour. This scheme represents a significant investment in the town centre. High quality materials have been chosen including a York stone pavement and artwork for the scheme. The whole thrust has been to give the centre a facelift. Ninety percent of the brickwork will be retained and a carefully chosen palette of materials will not be gaudy. The brickwork round the head of the shop fronts in the scheme will be clad in a render material which is an important part of the whole scheme which will cost a total of £3million.

Members of the Committee expressed views on planting, seating, proposed flooring and existing red brick and ongoing maintenance. There were concerns regarding the removal of existing planting which was considered an important feature together with the seating and both features should be carried throughout the scheme. The Committee asked that the planting above W H Smiths and the hanging baskets on the lamps be retained and enhanced. Proposals for public realm art work are particularly welcome albeit as an after thought.

In respect of the proposed York stone paving, there were concerns that it may appear slightly bland. This could be improved by the use of a variety of patterning, but the material itself would work well with the other materials in the scheme. There was a view that renewing the paving was an opportunity to improve matters for people with visual impairments which could take the form of delineation in the stonework to provide some directional information. Some members were of the view that a style of mosaic patterning in the flooring would give an impression of the historic nature of Colchester and create movement but actual mosaics were not supported. Also suggested were plaques on walls to indicate where significant historical finds had been made.

It was considered that this scheme was a natural evolution of what was there and many of the existing features were being retained. Some members preferred the appearance of the red brick and had concerns about the rendering. Others considered the lighter colours to be an improvement. Particularly mentioned was the white render which would encourage people to look up. The Committee had looked at the samples of pointing adjacent to the Dixons store and the second band from the bottom was mentioned as a preference. Concerns also included weathering, ongoing maintenance and the need to keep the finishes clean.

Clarification was sought on how these comments, which are largely issues of detail, were to be taken on board. The Committee welcomed the investment which will revitalise and refresh the centre of the town, especially at a time when regeneration areas seem to be on hold. In general terms this was considered to be a good scheme and the town was fortunate to have Lion Walk updated in this way.

It was explained that there was a new seating area included in the scheme which would have raised planting. There was no indication of any detailed planting on the lighting columns but that could be achieved by an informative on the planning permission; there will be a condition requiring additional soft landscaping. There was some patterned paving outside the Red Lion Church and the junction with Lion Walk, and also etching in the paving at the junction with Eld Lane. It was important to have a uniform scheme and details of materials and pointing were required to be submitted and agreed. The render would add colour and character and also repel dirt.

Planning officers were willing to have a discussion with the applicant regarding the suggestion about mosaics; this will be covered by a condition. Colchester is passionate about Colchester in Bloom and officers could include this in those discussions. A requirement for maintenance of the scheme could be included as part of the approval of colours, etc.; the render material is guaranteed for 30 years and an indication of what will happen when the guarantee runs out could be required.

There were a number of residents in the area and it would be right to add a condition relating to the whole construction process and methodology being agreed prior to commencement of the scheme, also for prior agreement on hours of working as well as a scheme to notify residents on hours of working with the suggestion that a fortnightly or monthly notification be sent to residents.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report, see also Amendment Sheet relating to Condition 20 being deleted and amended wording for

Conditions 6, 7, 8, 12, 14 and 15, together with the following matters:-

- additional conditions on hours of work, construction process and methodology, notification to residents, maintenance and extra landscaping;
- discussions to be held with applicants regarding the mosaic or patterning relating to York stone, a complement to the public realm, and planting and hanging baskets on the lamps.

5. 090215 St Fillan Road, Colchester

The Committee considered an application for the demolition of existing drop-in daycare centre and non-operational thirty-six bedroom care centre, and replace with a sixty-six bedroom care centre. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUS) that the application be approved with conditions and informatives as set out in the report, see also Amendment Sheet.

Councillor Ray Gamble (in respect of his acquaintance with the agent, Mr Gordon Parker) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

6. 090452 Calver House, 44, 46, 48 and 38 Artillery Street, Colchester

The Committee considered an application for the construction of three two-bedroom bungalows, each bungalow to accommodate three physically disabled people with associated parking. 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.

Alistair Day, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. This application is for three bungalows built in a Victorian style, each bungalow to be provided with one parking space and a small garden; new boundaries were proposed between the scheme and other properties.

Miss Nicola Skedgel, tenant of Calver House, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application which she believed contravened her rights to

peaceful privacy and the right to enjoyment of the garden. A double drying area is proposed which will be screened by a 1.5 metre wall and railings together with the only bin area for the whole site. Trees and flower beds will be lost, there will be a public walkway alongside a bedroom window, and one shed per resident is needed as at the moment there is no storage in the flats. Their outside space will be reduced. Colne Housing agreed to mark out the proposal on the ground but did not arrive to do this. In the tenancy agreement they have the right to consultation which has not taken place. There will not be sufficient parking spaces a disabled space requires 1.5 parking spaces. She questioned whether there would be sufficient space for emergency service vehicles and fire appliances to get on the site. This application affects the rights of existing and new tenants.

Mr Gordon Parker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Forty-three letters were sent out to local residents and six letters of objection were received; two from residents in Victor Road, and their concerns have been addressed. The Calver House resident's comments relate to amenity land and whilst it is being reduced it is within the standard. The scheme is supported by Essex County Council and Environmental Control, and there is strong support from the Housing Officer for this type of property in this area. The bungalows have been designed as a result of discussions with architects coupled with input from planning officers and he believed that this development will be seen as attractive and worthwhile. The Unilateral Undertaking is signed and the cheque for its monitoring has been paid.

Members of the Committee recognised that there was a need for this type of dwelling. There were concerns about parking and there was a view that the occupants of the bungalows should not be able to join any residents' parking scheme which may be introduced in this area because they have the benefit of their own parking space. The Committee were sympathetic to existing residents' views on the reduction of their outside amenity space and it was suggested that consideration of the application be deferred to permit Colne Housing to consult their residents on the proposal.

It was explained that the scheme complies with the council's policies. Planning Services had consulted residents including the speaker and it was unfortunate that Colne Housing have not undertaken their own consultation with their tenants. Details of drying areas are required to be agreed in advance and it was confirmed that fire appliances can reach the bungalows. An Informative could convey the view that inclusion in any parking scheme would not be welcome because the bungalows have an allocated parking space. The parking spaces are the standard width not the wider disabled parking spaces and the Committee may wish to defer this application to clarify this issue. If there are currently two spaces for disabled tenants and there

should be sufficient parking for the other two tenants and if Colne Housing tenants enjoyed disabled parking that situation should continue. It was confirmed that the Unilateral Undertaking has been received by the Council.

RESOLVED (MAJORITY voted FOR) that consideration of the application be deferred for clarification on parking spaces for disabled residents and for Colne Housing to consult their existing residents. The matter to be brought back to the Committee for determination.

7. 090463 Carlef, Ivy Lodge Road, Great Horkesley

The Committee considered an application for the demolition of the existing bungalow and its replacement with a two storey dwelling with an attached single storey 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.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. The road contains a mix of single and two storey dwellings. The main body of the building will be located on the existing footprint. The new building steps down on the site. On the west side is a bungalow shown to be of a similar height.

Mr Ken Barnsley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The previous application was refused on the grounds of overlooking their living quarters. His conservatory roof is clear glass not translucent as stated in the report. If the application is approved he will have to replace the roof glass. He considered the Committee did not appreciate their objection. There will be a direct line of sight into their living quarters. The proposed design is not in keeping with neighbouring properties. There are only two two-storey properties in the road. The approval would open the flood gates for further such two-storey houses. His property is higher than surrounding properties.

Mr Rob Mitchell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He had been in a lengthy consultation with the planning officers and the design was sympathetic and well thought out. It was designed to avoid any privacy issues.

Members of the Committee had noted that there were two storey buildings on both sides of the road. On the site visit they had stopped in the conservatory

and the Chairman agreed with the applicant that the conservatory roof was made of clear glass not translucent glass, and on behalf of officers he apologised for the error in the report. The Committee also noted that the conservatory appeared to be a permanent living area. Members concerns about over dominance between the objector's property and the new property were allayed when it was appreciated that the closest part of the new building is a single storey and the two storey section is set back from the objector's bungalow. The illustration on screen shows that the occupiers of the new property would have to lean out of their bedroom window for overlooking to occur. The objector's conservatory was beyond the existing building. The intrusion caused by the previous application has been dealt with and from a planning perspective the new building did not breach their privacy. Whilst members of the Committee had some sympathy with the objector, in planning terms there was no reason for a refusal of the application.

It was explained that the objections related to the two storey building being out of keeping, a loss of light and issues of privacy. The new building would be 5.5 metres from the neighbour on the east side and 1.6 metres from neighbour on the west side. In respect of the 45 degree rule, it depends from which corner of the property the angle is taken. However, in this instance the 45 degree angle is not sufficient reason to cause detriment to the neighbour.

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

8. 090446 110 Coast Road, West Mersea

The Committee considered an application for a variation of Condition 2 of planning permission 91/1483 to extend the permitted opening hours, currently from 8.00am until 6.00pm, to 8.00am until 10.00pm. It was proposed that any permission be for an initial period of one year only to allow the Council to monitor the emerging impact of the extended opening hours upon the amenity of the adjoining dwellings and of the area in general. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

9. 090523 4 Hillcrest Cottages, Greyhound Hill, Langham

The Committee considered an application for the demolition of an existing

single storey rear extension and the erection of a single storey rear extension and a car port on the side of the house. The Committee had before it a report in which all information was set out.

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

Councillor Andrew Ellis (in respect of his wife and daughter being members of the Dabchicks Sailing Club) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.

10. 081947 143 Coast Road, West Mersea

The Committee considered an application for the removal of a wall and its replacement with posts and chain. The Committee had before it a report in which all information was set out, see also Amendment Sheet. The application had been considered at the Committee's meeting on 5 February 2009 and deferred for negotiation of an amended scheme comprising white timber posts without chains set closer together. The applicants had considered the Committee's comments. An alternative scheme was proposed comprising five white painted galvanised steel posts, set closer together than originally submitted, and heavy white rope looped between.

Alistair Day, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Steve Vince addressed the Committee on behalf of West Mersea Town Council pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This site is entirely on a village green and it is technically an enclosure of village green, registration no. 247 in order to keep youngsters out. This is in breach of the Enclosure Act. Any works have to be for use and enjoyment of the green. This area floods, there is a possibility of trip accidents. The Town Council's recommendation is for wooden posts at 5' centres. Steel will rust; wood is best in salt water. This is not a front garden. There is a need to respect people's right of access. He was keen to listen to reasons why the village green should be enclosed. For some councils enclosure of a village green is a material consideration. It is also a conservation area. This matter has been ongoing for a long time. He urged the Committee to go along with West Mersea compromise.

Members of the Committee queried the precise location of the village green.

They also requested confirmation on whether a straight replacement would need planning permission. Some members of the committee considered wooden posts with a rope would be more in keeping and that metal posts would be detrimental to the Conservation Area. There was recognition that the wall had been in situ for 20 years.

It was explained that an Article 4 Direction was imposed on this section of West Mersea. There are two vehicle entrances and they are to remain. Two posts on each end are to remain and the wall in between is to be replaced. The reason for the barrier is not to prevent children from running into the road. The relevant drawing is very small scale so the extent of the village green is not clear. The objector is of the view that the village green comprises the whole of the area. The applicant says it does not. However, planning officers have look at plans which suggest that most of this area does fall within the village green area. The proposal needs planning permission because the height of the proposal needs planning permission under the Article 4 Direction relating to erection of boundary wall and treatments

An informative could be added to the effect that the applicant must be satisfied that he ensures that the railings have no impact on the character of the Conservation Area and that the proposal complies with other legislation.

RESOLVED (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred and, subject to the applicant amending the application to secure a wooden posts and rope arrangement, the Head of Environmental and Protective Services be authorised to approve the application with conditions and informatives she considers appropriate, including an informative to ensure that all other legislation including village green legislation is complied with.

(b) In the event that the applicant is unwilling to amend the application in accordance with the Committee's preference for wooden posts, the application be refused on the grounds of an adverse impact on the Conservation Area.

11. 090221 92 Coast Road, West Mersea

The Committee considered an application for a change of use from store buildings to four en suite bedrooms and two pavilions for outside dining. The application is a resubmission of 081553. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED that the application be approved with conditions and informatives

as set out in the report.

12. 090264 65 Barbrook Lane, Tiptree

The Committee considered an application for the retention and continued use of a relocatable classroom building on a permanent basis within the grounds of the Mildene county Primary School, Barbrook Lane, Tiptree. The building is used as a pre-school playgroup and has been located on the site since 2001 with the benefit of temporary planning permissions. The Committee had before it a report in which all information was set out.

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

13. 090360 Sports Ground, Colchester Road, West Mersea

This item was withdrawn from the agenda by the Head of Environmental and Protective Services for submission of information relating to the impact of the parking area on the existing trees/hedges and details of the hours of use of the improved clubhouse facilities.

14. 090375 4 Bargate Lane Cottages, Bargate Lane, Dedham

The Committee considered an application for a first floor side extension over an existing single storey side extension. The Committee had before it a report in which all information was set out.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. Overlooking is not serious enough to recommend refusal. There are a number of conditions to protect amenity and the bathroom window will be in obscured glazing.

Mr Sharp addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His main concern was the two first floor windows which look directly out over their back garden and room, creating issues of privacy because of the angle of the existing house. The only real compromise on layout would be to move the windows of bedrooms two and three and the dormer window could be for a bathroom instead of a bedroom. This would result in some overlooking of part of the garden and road.

Mr Clark addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. An extension done in 1993 was not in keeping with the rest of the house and looks quite odd. The plans which have been submitted are the best option and brings the house into keeping with the area. In terms of privacy, the neighbours have already done what they are asking Mr Clark not to do. The view is looking away from the house and down to the bottom garden. He considered the loss of privacy was at a minimum. With regard to layout this is the best plan for their outlook.

Members of the Committee discussed the options regarding the positions of some of the first floor windows. However the best solution regarding protection of the neighbour's privacy appeared to result in a blank gable end which would have a detrimental impact on the appearance of the building. A site visit was proposed as the application was already beyond the deadline for determination within the Government targets.

RESOLVED (MAJORITY voted FOR) that the application be deferred for a site visit.

15. Performance Report // Performance summary for the year 1 April 2008 - 31 March 2009.

The Head of Environmental and Protective Services submitted a report giving details of the performance of the Planning Service judged against Government National Indicators, summarises the details of 'allowed' appeals, and sets out the levels of revenue received through Section 106 Agreements for the period 1 April 2008 to 31 March 2009.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. The number of major applications determined within the timeframe has dropped below the government target. The number of minor applications determined within the timeframe has been slightly above the government target. Contributions towards open space has nearly reached £1million. Three planning officers have been placed on secondment to other departments.

Members of the Committee congratulated Vincent Pearce and his team for the sterling work that they do and on a very good year. It was considered that planning officers have done a terrific job in what has been a difficult year.

RESOLVED (UNANIMOUSLY) that the report be noted and Vincent Pearce and the planning team be congratulated for the sterling work that they do and for a very good year.

16. Protocol for future mast applications // Findings and recommendation by Internal Audit resulting from their Inquiry and subsequent report into the Planning Services handling of the Lexden telecommunication mast Prior Notification application

The Head of Environmental and Protective Services submitted a report on findings and recommendations by Internal Audit resulting from their 'Inquiry' and subsequent report into the Planning Service's handling of the Lexden telecommunication mast prior notification application. The report describes the investigation undertaken by the Planning Service Manager and the new processes introduced in response to the recommendations.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. He explained that applications are received electronically and by post. The mast application cheque was received in the post without any accompanying information and was put into an invalid application tray. A different officer received an electronic application form without the fee and it too was placed into the invalid application tray. The two parts of the application were united on 4 December 2008 when the council started the clock, but the legislation states that the clock starts on the date that the valid application is received which was on 26 November 2008. The planning office was in discussion with O₂ who have deferred installation of the mast.

However, the matter is on hold now because O₂ and Vodafone have launched a national survey looking at mast sharing. There is no guarantee that the mast will be erected in Norman Way.

As a consequence of events leading to the error a new process has been devised. Henceforth all ward councillors and the members of the Planning Committee will be notified automatically upon receipt of a mast application. This will be done electronically with a link to the website as soon as applications are logged. Councillor Lewis recommended that it should be notified in one working day. This investigation process has shown that there are other processes which can be improved and a standard committee report has been devised.

Councillor Mike Hardy attended and, with the consent of the Chairman, addressed the Committee. It appeared to him that the Planning Service Manager had left no stone unturned and he was to be commended on his thoroughness and his openness regarding the enquiry. Both Councillors Lewis and Hardy had reservations about the way the Planning Service operated and those reservations had been taken into consideration and solutions identified. From a ward councillor point of view this situation has

come to a satisfactory conclusion with all their recommendations being included. Mr Priest had addressed the Committee at its earlier meeting and Mr Pearce had agreed to look into the points that were raised. However, correspondence has been received from Mr Priest in which he considered that his points had not been taken into consideration. Also general comments about masts have been received from Sarah Costello and Mr Pearce will be in discussion with her about those comments.

The Chairman mentioned that Mr Priest had raised issues regarding PPG15 about which no reference had been made in the report. It is anticipated that Mr Priest will be contacted about this matter. In the meantime he considered it to be unwise to run the process right up to the deadline. In response the Planning Service Manager commented that the new procedure requires that applications should be determined two weeks before the expiry of the 56 days.

The Chairman thanked the Planning Service Manager for his actions and report. It is right that this report has come to Committee to ensure the whole investigation is transparent with committee members, ward councillors and the public able to attend. Out of an unhappy situation the investigation has been done as properly as it can be and all those involved deserve thanks and appreciation. The situation has been resolved as best it can be and he hoped that nothing like this ever happens again. He thanked all those involved and especially Councillors Sonia Lewis and Mike Hardy.

RESOLVED (UNANIMOUSLY) that the content of the Inquiry report together with the content of the Planning Service Manager's own report be noted and that the comprehensive action that has been taken be acknowledged and the new processes introduced to minimise the risk of a similar occurrence be welcomed.