

**PLANNING COMMITTEE  
3 FEBRUARY 2011**

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillors Peter Chillingworth\*, Helen Chuah\*,  
John Elliott\*, Andrew Ellis, Stephen Ford,  
Theresa Higgins, Jackie Maclean, Jon Manning,  
Philip Oxford\*, Ann Quarrie and Laura Sykes\*

*Also in Attendance :-* Councillor Nigel Chapman

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

**176. Minutes**

The revised minutes of the meeting held on 16 December 2010 were confirmed as a correct record. The minutes of the meeting held on 20 January 2011 were confirmed as a correct record, subject to the addition of a personal declaration of interest from Councillor Manning for minute no. 171 in respect of his acquaintance with the objector.

**Councillor Andrew Ellis (in respect of having previously met with the applicant regarding an application elsewhere in his ward) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**177. 101590 Quality Hotel, East Street, Colchester**

The Committee considered an application for minor changes to the external appearance to plots 19 to 23 within a development of twenty-three town houses and garages. The application requires a Deed of Variation to link this application to the original Section 106 Agreement, the effect of which is to vary Condition 44 to insert the amended drawing numbers, planning permission for F/COL/04/1273 refers. The Committee had before it a report in which all information was set out.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to provide for a Deed of Variation to the original Legal Agreement for the site to link this planning application to the original Section 106 Agreement and its covenants.

(b) Upon receipt of a satisfactory Legal Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

**178. 100805 Long Acre Bungalow, Colchester Road, Wakes Colne, CO6 2BY**

The Committee considered an application for the demolition of an existing dwelling and the erection of a new dwelling and with an additional crossover, in accordance with revised plans received on 19 November 2010. The Committee had before it a report in which all information was set out.

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

Julian Bowden addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of both neighbouring properties. They were not against redevelopment of the site per se, but the proposed dwelling was unchanged from the earlier application and they considered it to be too large for the plot and unsuitable for the rural setting. At the earlier meeting the Committee had requested that the garage be appropriate for a large modern house, but the garage in this proposal was a small single garage which was not appropriate. He considered it would not be possible for a larger garage to be fitted into the plot. The applicant had been requested to consider changes to the bulk and design but this request had been rejected.

Andrew Davidson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Confirmation had been received from the Highway Department that the second access would be permitted. The proposed garage would not interfere with light to the kitchen window of Millbank. There were no plans to make the garage any larger than shown. The dwelling had been moved two metres to the north-west and the rear of the dwelling is now clear of the patio area of High View. The dwelling will be further away from both neighbouring properties and represents an increase in footprint by one third only. The Highways Department and Heritage Team were both in agreement with the proposal.

Members of the Committee were of the opinion that this revised application did not represent what the Committee had wanted, but acknowledged that it did comply with the council's policies. They noted that a single garage was now provided and that there was sufficient space to provide parking to the current standard. The new proposal would permit evening light to fall on the patio of the property to the east, and was now far enough away not to be overbearing. The proposal to remove permitted development rights was welcomed.

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

**179. 102221 12 Morley Road, Tiptree, CO5 0AA**

The Committee considered an application for the demolition of an existing dwelling and redevelopment of the site to provide a three/four bedroom two storey house with single storey rear projections. The Committee had before it a report in which all

information was set out, see also amendment sheet.

*RESOLVED* (UNANIMOUSLY) that subject to the receipt of an amended floor plan, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

**180. 102462 11 Vine Parade, Wivenhoe, CO7 9HA**

The Committee considered an application for the installation of an external roof mounted air conditioning condenser unit along the flat roof to the rear of the building. The Committee had before it a report in which all information was set out.

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

**181. 101361 St Helena Hospice, Barncroft Close, Colchester, CO4 9JU**

The Committee considered an application for a car park extension within the grassed area to the east of the site by the main entrance. The Committee had before it a report in which all information was set out.

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

**182. 101541 and 101543 Lower Park, Colchester Road, Dedham, CO7 6HG**

**PLEASE NOTE: This minute was not agreed at the Committee's meeting on 3 March 2011 because the applications have been found to be invalid and the decisions being void are therefore rescinded in the light of planning and legal advice.**

The Committee considered planning application 101541 and a companion listed building application 101543 for a swimming pool, stables and replacement storage barn. 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.

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

Neil Ward addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of Park House and Park Cottage. He believed the proposal to be ill considered, poorly designed and contrary to the council's policies. He considered the design to be poor and thus

contrary to DP1 and PPS1 and detrimental to the character of the parkland, the Area of Outstanding Natural Beauty (AONB), the Conservation Area and the countryside, and that the proposal would adversely affect the setting of the building. He stated that Park Cottage has views towards the site and the building would be visible; that the traditional Essex barn would be out of keeping with of the Georgian house. If approved, he asked that additional paddock fencing was to be excluded.

Anne Fletcher addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She stated that this proposal was the result of three years work with the borough council, the parish council and other bodies. They had reduced the number of stables and changed the design so that it was subservient to the main house. If the building was any further into the garden it would compromise the house. She referred to the removal of inappropriate straight lines of trees. She believed that there were many barns of a similar style in the Dedham Vale, and stated that the loft would be used for the storage of hay. She recognised that there were concerns but considered they had been addressed by changes to the plans or by conditions.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. He was of the opinion that there was no reason why this sort of activity should not take place in these grounds. He noted a number of conditions which were to be fulfilled prior to commencement of the development and he asked that the Committee ensure compliance with these requirements because it was a very open site. He believed that not enough had been made of the flooding problems. He preferred that the existing surfaced road be used during construction rather than a temporary haul road and supported the removal of the garage before any work commenced on the main building. He believed this scheme to be far better than the original scheme and asked that the Committee consider postponing a decision until all conditions had been tightened up.

Members of the Committee were generally supportive of the application as described; a pastiche design in the style of the house was considered inappropriate. A further condition was requested to ensure that the development site was not sold off. It was considered that the perimeter of the park was well wooded and even at this time of the year it was reasonably well screened. It was reasonable to expect an equine use in this rural location. There was only one house that would be able to see the development but it was believed that it could not be seen from the objector's house. The buildings were well designed and formed a neat yard and the Environmental Assessment had found the arrangements for the management of manure to be satisfactory.

It was explained that the buildings are much reduced in size from the original proposal. The style was not detrimental in this location and the complex was secondary to the house. The existing outbuildings planned for demolition set a precedent for development in that vicinity. The detrimental impact issue was whether the building had a detrimental impact on neighbouring properties and that of the setting of the listed building, Conservation Area and the AONB. The fact that the building could be seen from a neighbouring property did not automatically mean it had a detrimental impact and the officer's view was that it did not. Condition 15 prohibited

additional paddock fencing and jumps, and any additional means of enclosure of the listed building would be controlled by planning application. Condition 6 ties the building to the enjoyment of the application property by the occupier and any change to that use would require a variation of that condition. In respect of a premature start, planning officers were aware of the potential for breaches of condition, however under the new robust enforcement strategy any premature start without compliance with conditions would be dealt with by a summary harsh response.

*RESOLVED* (UNANIMOUSLY) that –

- (a) Planning application 101541 be approved with conditions and informatives as set out in the report.
- (b) Listed building application 101543 be approved with conditions as set out in the report.

**Councillor Andrew Ellis (in respect of having previously met with the applicant regarding an application elsewhere in his ward) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**183. 101476 Land at former Mill Hotel, East Street, Colchester**

The Committee considered an application for sixteen additional hard landscaped car parking spaces and associated soft landscaping. The Committee had before it a report in which all information was set out.

*RESOLVED* (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to provide for a variation to the original legal agreement for the site to amend the public open space plan to take account of the proposed car parking spaces. This requires a change to the drawing number in the definitions section in paragraph 1.1 and an amended public open space plan to be inserted in the appendix.
- (b) Upon completion of a satisfactory Section 106 Legal Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

**Councillor Andrew Ellis (in respect of having met Councillor Steve Knight, Chairman of Great Horkesley Parish Council, in the course of his employment) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**184. 102326 Land adjacent to Tile House, Tile House Lane, Great Horkesley, CO6 4EP**

The Committee considered an application for a proposed community centre. The application is a resubmission of 100491. 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, attended to assist the Committee in its deliberations.

Graham Stehle addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He believed this was a very contentious application with no support in the village, residents wanted a village hall and village green. He was concerned that the hall would accommodate up to 300 people which would generate noise and disturbance to residents, and was concerned that the noise survey was undertaken for a different application. Waste collections and badly parked cars already impede access. He was of the opinion that the design violated the Design and Access Statement by virtue of its height, and the amenity value of the green would be compromised by the location of a football pitch, restricting access by residents. He referred to a clause in the Section 106 Agreement which could impose a possible financial burden on the borough council if the £450,000 provided by Mersea Homes was insufficient to cover the building costs. He had not seen a business plan.

Great Horkesley Parish Councillor Steve Knight addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the village appraisal which had identified the lack of open space and public buildings which led to work undertaken to identify a suitable site. The site was accepted for inclusion in the local plan on the basis of the new hall and public open space benefits to the village. A development brief had been drawn up and adopted by the borough council as planning guidance for this site. These proposals and plans follow that guidance to the letter and take account of the wishes of residents. Following objections to the original plans and having worked with planning officers and residents, these revised plans had been developed. This proposed building was one third smaller than the original design.

Councillor Chapman attended, and with the consent of the Chairman, addressed the Committee. He fully accepted that these new facilities were needed, however there were many concerned residents. He supported the opening hours and considered the noise conditions to be satisfactory. However he remained concerned about the height of the building, 12.4 metres, and had concerns about the car parking provision in view of the potential for up to 300 people to be using the hall. He was opposed to a vast car park, but it was likely that people would arrive by car for a wedding, for example. Mersea Homes had suggested a Travel Plan which he supported.

The planning officer explained that the highway authority had raised no objections nor

had they required the submission of a travel plan, and the borough council would not expect one for this scale of use. Parking for this use is a maximum based on the proposed floor space, a maximum twenty-seven spaces and an additional three spaces can be required to make it up to thirty spaces. This provision slightly exceeds the maximum parking standard for a D2 use, which is leisure with a wide scope, for which parking provision is based on the floor area of the building. The road was designed to be suitable for fire appliances. The design and height was modelled on the style of a farm building because the site was close to the old farmhouse. The noise assessment is identical as that for the original proposal because the proximity to the nearest building has not changed. The Section 106 Agreement requires Mersea Homes to contribute £450,000 and the land for the construction of a community hall. In the event that any additional funding is required, there is a clause which requires the borough council to be responsible for making up any shortfall, but the parish council may have additional funding beyond £450,000. However, it was considered appropriate to defer the application in order to clarify this situation and consider whether the Section 106 Agreement should be amended.

Whilst members of the committee recognised that most village halls were inadequate in size and this hall would be a wonderful facility for the village, they too were concerned about the limited parking provision. It was considered that the hall would be similar to a leisure centre, and with two football pitches and two visiting teams, the car park as described would soon fill up and it should be looked at realistically. It was suggested a more flexible layout be investigated to enable more parking to be made available if required; possibly a grassed/hard standing overflow area. The committee also made reference to the Section 106 Agreement which appeared to refer to the borough council having funds available to contribute towards a larger community hall. They supported an investigation into this matter with the aim of removing any financial risk to the borough council. The committee supported a deferral for investigation into the Section 106 issues, and if this and the parking issue could be resolved satisfactorily they were content to delegate an approval to the Head of Environmental and Protective Services. Other suggestions included the provision of a business plan and an outside smoking area.

The planning officer acknowledged that the provisions of the Section 106 Agreement and the parking arrangements appeared to be the main issues. If the application was deferred for investigation into the Section 106 Agreement there would also be an opportunity to see if additional parking could be provided.

*RESOLVED* (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for:-
- the applicant to submit a Travel Plan, including provision for overspill parking to include the additional three car parking spaces and cycle parking to the current standards,
  - the application to be linked to the existing Section 106 Legal Agreement, and
  - the case officer to review the requirements of the existing Section 106 Legal Agreement in respect of the borough council being required to contribute towards any shortfall in funding.

(b) Upon receipt of the a satisfactory Travel Plan, the linking of this application to the existing Section 106 Legal Agreement, and receipt of clarification that the borough council is not required to contribute towards any shortfall in funding, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

#### **185. Performance Monitoring // Planning Application Determination and Appeals Analysis 1 October to 31 December 2010**

The Committee considered a report by the Head of Environmental and Protective Services setting out the performance of the service in respect of planning application determinations and an appeals analysis for the period 1 October to 31 December 2010.

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

Members of the Committee believed that other local authorities had more appeals against decisions for refusal so that although the national average for appeal upheld rate was lower than the borough council's average for appeal upheld rate, the national average may represent a greater number of appeals upheld. The Planning Services Manager would look into the figures behind the national average.

It was explained that the council is more proactive in getting costs back on enforcement and prosecutions and it was now doing so on appeals where the appeal was considered to be vexatious.

*RESOLVED* (UNANIMOUSLY) that the performance record of the Planning Committee and Planning Services be noted and the Planning Services Manager and planning officers be commended for a good report and success rate.

#### **186. Performance Monitoring // Enforcement 1 October to 31 December 2010**

The Committee considered a report by the Head of Environmental and Protective Services setting out the performance of the service in respect of enforcement matters for the period 1 October to 31 December 2010.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He queried the notation of 'No further action' notation for enforcement action reference number 2859.

Geoff Kirby, Major Applications Support and Enforcement Manager, attended to assist the Committee in its deliberations. In response to Councillor Chapman's query he explained that the notation against enforcement action reference number 2859 was incorrect because action was in fact ongoing. He would ensure that for future reports, all notations would be checked before being published.



*RESOLVED* (UNANIMOUSLY) that the performance record of the Enforcement Team be noted and the Team be thanked for their achievements.