

**PLANNING COMMITTEE**  
**23 MAY 2013**

*Present :-* Councillor Theresa Higgins\* (Chairman)  
Councillors Peter Chillingworth\*, Sonia Lewis\*,  
Cyril Liddy\*, Jackie Maclean, Jon Manning and  
Laura Sykes\*

*Substitute Members :-* Councillor Nick Barlow for Councillor Helen Chuah  
Councillor Dave Harris for Councillor Stephen Ford  
Councillor Gerard Oxford for Councillor Philip Oxford

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

**3. Minutes**

The Minutes of the meetings held on 11 April 2013 and 25 April 2013 were confirmed as a correct record.

**4. 130296 Akhurst Court, Melrose Road, West Mersea**

The Committee considered a detailed application for an extension to provide five additional flats following the outline approval of application 121334. The Committee had before it a report and amendment sheet in which all the information was set out.

*RESOLVED* (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

**5. 112176 Layer Wood, Maldon Road, Layer Marney**

**Councillor Chillingworth (in respect of his membership of the Campaign to Protect Rural Essex) 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 paintball facility, including reception building, paintball area and improved associated access. This application was a resubmission of application 101903. This application had been called in by Councillor Ellis. The Committee had before it a report and amendment sheet in which all the information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Mr James Ryan, Planning Officer, and Liam McKarry, Arboricultural Planning Officer, attended to assist the Committee in its deliberations. The Planning Officer drew the Committee's attention to a late letter of objection, which suggested the applicant's fall back position of 28 days paintballing was not viable and discussed the prospect of an

Article 4 Directive.

Mr Bertram Rope addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He highlighted the importance of protecting the wildlife in Layer Wood. He claimed that the only reason Essex Wildlife Trust had withdrawn their original objection to this development was because they believed that refusing this application would result in 28 days of unmanaged paintballing and were selecting the lesser of two evils.

Mr Andrew Wright addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He cited the successful running of paintball sites nationwide, drawing particular attention to a site in Hadleigh, which had the support of the local Council. He suggested that wildlife could co-exist and even prosper within a paintballing site as well as stating that all structures and obstacles used on the site would be wholly removable.

Councillor Ellis attended and, with the consent of the Chairman, addressed the Committee. He reiterated previous points regarding the true reason for Essex Wildlife Trust's lack of objection. The idea that biodiversity on the site should be protected and conserved was raised and he implored the Committee to refuse the application, or defer determination in order to seriously consider the option of an Article 4 Directive.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. He suggested that even though activity would be kept within designated 'zones', impact would still be had on the surrounding area, especially in relation to the noise created by participants. He raised questions regarding potential toxins in the paint, traffic surveys and protected species. He requested that if the Committee did not refuse the application, they at least defer consideration, as the countryside was vital to the Borough.

It was explained by the Planning Officer that irrespective of the reason behind Essex Wildlife Trust's lack of objection, without such, any refusal on ecological grounds would be very weak. He also detailed the complex and uncertain route to an Article 4 Directive, which would have to be approved by the Secretary of State. It was suggested that with the amount of support this application had gleaned within the Borough, such approval may not be forthcoming. He explained that a speed test had been carried out and the Highways' Authority had not raised any objections.

The Arboricultural Planning Officer addressed the concerns about toxins from the paint, stating that as far as he could determine, the paintballs consisted of food dye and a water-soluble casing, which would not pose any harm to the surrounding ecology.

Members of the Committee emphasised the need to protect the local wildlife and any protected species in the vicinity. Members established that the equivalent of 5.5 jobs would be created and that the management plan, while approved by the Council, would be guided by Essex Wildlife Trust.

**RESOLVED** (EIGHT voted FOR and TWO voted AGAINST) that the application be approved, subject to the conditions set out in the report.

## **6. 130466 Weston Homes Community Stadium, United Way, Colchester**

The Committee considered an application for the change of use of the Stadium car parks to mixed use car park and car boot venue. The Committee had before it a report in which all the information was set out.

Mr Peter Hill, Planning Officer, attended to assist the Committee in its deliberations.

Mr Malcolm Nicholson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He stated that, as a resident of Boxted Road, he had concerns over residential amenity. This specifically related to parking problems on residential streets, as the Stewards employed for events had no real authority. He suggested that a 9am set up time and a 10am start for buyers would be more appropriate. He also requested that, if the application were to be approved, the applicants use the following six months as a trial period to work with local residents.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He raised a few concerns about the lack of Steward authority for parking violations and parking in residential streets. He expressed support for the idea of temporary permission while working with the local community to ensure a workable parking scheme.

Members of the Committee were supportive of the proposal for a temporary approval, which offered a chance to trial the scheme. It was suggested that excessive noise would not be much of an issue so close to the A12. Concern was expressed over the potential confusion of new customers trying to gain access up Boxted Road and it was suggested that signage be erected to prevent this where possible.

Several points were raised by individual Members including the lack of disabled parking provided for in the scheme and the impact of conducting this event on the same day as the nearby Colchester Rugby Club match days.

It was explained by the Planning Officer that parking on residential streets was not expected to be as problematic as it had been during other events, as parking would be free. Regarding the starting times of the car boot sale, earlier start times were traditional and tended to result in earlier closing times. It was put forward that the current disabled parking bays could be retained for the event.

It was suggested that it would be more beneficial to trial a larger scheme for six months, rather than a scaled down scheme. This would garner more accurate results upon which to judge any permanent planning application.

Mr Vince Pearce, the Development Services Manager, also stated his willingness to meet residents and Ward Councillors on site one Sunday during the scheme to monitor behaviour and feedback to the operator.

**RESOLVED** (NINE voted FOR and ONE ABSTAINED) that that, subject to the

amendment of Condition 3 to allow for no more than 200 pitches and to require retention of disabled parking spaces in front of the West Stand for disabled parking and pitch areas to occupy the northern half of the site, the application be approved, subject to the conditions set out in the report.

## **7. 130505 Roman Barracks, Berechurch Hall Road, Colchester**

The Committee considered an application for a proposed 48 dwellings with associated access, car parking and landscaping. The Committee had before it a report in which all the information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

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

Ms Martine Dewit addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She clarified that her main objection was in relation to the development directly opposite her house, which she felt would have an overbearing effect on her property. She suggested that the development would restrict access to the rear garden of her property and cause additional drainage problems. She also objected to the loss of many trees in the surrounding area.

Mr Tony Middlebrook addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He thanked the Officers for their work and suggested that further revisions to the development plans had addressed all concerns raised in the consultation process. He asked for the Committee to approve the application as per the recommendation.

Members of the Committee raised several points. The loss of affordable housing in the development was lamented. Several Members expressed reservations about the ability of the infrastructure to cope with the high density of housing and the loss of employment land. Questions were asked in relation to the loss of trees and the specific amount of trees that would be removed. Parking provision in the development was queried as previous developments had been considerably underprovided.

It was explained by the Principal Planning Officer that occupiers of the existing properties did not have right of access over the application site. It was clarified that the majority of Category A and B trees would be kept, while Category C trees would be removed. Many of the Category C trees were located on land identified as public open space; these trees were considered to have a relatively short life expectancy and were likely to need ongoing maintenance. It is therefore considered prudent to seek their replacement as a part of the redevelopment of the site, thus avoiding the incurred expense of maintaining and replacing these trees. The infrastructure had been designed to support the development and all parking standards had been met.

The Committee's attention was drawn to the fact that the developer had agreed to provide five assisted purchase units under the Government's 'First Buy' initiative (or a similar scheme).

*RESOLVED* (SEVEN voted FOR and THREE voted AGAINST) 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 –

- Affordable housing (three units) and assisted purchase houses (5 units); and
- a commuted sum of £37,950 for Public Open Space,

authority be delegated to the Head of Commercial Services to approve the application, subject to the conditions set out in the report and the amendment of condition 2 to reflect the revisions to the drawing numbers.

(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.

## **8. 130292 Mersea Court, High Street North, West Mersea**

The Committee considered an application for the erection of six flats. The Committee had before it a report and amendment sheet in which all the information was set out.

Mr Simon Osborn, Planning Officer, attended to assist the Committee in its deliberations.

Mr Andrew Lake addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had previously spoken to the Committee in relation to the parking provision on this site. He stated that, according to Council Policy, a retirement home should have 20 spaces. The current proposal provided seven spaces at 2.4 metres each, which, he suggested, could not be accommodated on the development site. He commented that people over 65 did have use for cars and independent travel and urged the Committee to refuse the application.

Ms Mary Sparks of Mersea Island Trust addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She stated that changes had been made to the plans to provide a charging station for mobility scooters. She highlighted that this form of assisted accommodation was run by volunteers and, at this present time, had a waiting list of over 30.

Several Members of the Committee expressed concern regarding parking provision and the different standards required for residential care homes compared to a retirement development. Reference was also made to visitor parking and the need for independence for older people. The high demand for this type of accommodation was

recognised by the Committee.

*RESOLVED* (NINE voted FOR and ONE voted AGAINST) that the application be approved, subject to the conditions set out in the report.

**9. 130631 Visitors Centre, Turner Road, Colchester**

The amendment sheet reported that this application had been withdrawn from consideration at this meeting by the Head of Professional Services.

**10. 130665 97 Lexden Road, Colchester**

**Councillor Lewis (in respect of her acquaintance with one of the objectors) 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 timber clad garden room, to be used as a hobby room. This application had been called in by Councillor Lewis. The Committee had before it a report and amendment sheet in which all the information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Mr James Ryan, Planning Officer, attended to assist the Committee in its deliberations.

A Member of the Committee expressed disappointment that none of the interested parties had attended and requested clarification on how noise could be conditioned.

The Planning Officer explained that condition four simply stated that noise could not exceed a level of 0dBA above background levels.

*RESOLVED* (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

**11. Amendment to the 229a Garrison Legal Agreement in Respect of the Provision of Affordable Housing on Area H and Area S2North**

The Head of Commercial Services submitted a report seeking Members endorsement of a proposal to provide a reduced provision of affordable housing on the part of the Garrison Urban Village Development known as Area H and Area S2North.

Mr Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. He reported that two shared ownership houses were to be provided in addition to the affordable rent units.

Members of the Committee were saddened at the current situation, but accepted that the current economic climate meant that the previously agreed level of provision was no longer viable. The question was asked whether the developer could contribute funds to other Council schemes, rather than on their own development.

It was explained by the Principal Planning Officer that a review mechanism was proposed and that if the developer was to see an increase in profits (above the agreed amount) a commuted sum would be provided to the Council, which could be invested in such schemes.

*RESOLVED* (NINE voted FOR and ONE voted AGAINST) that the proposal to provide a reduced provision of affordable housing on the part of the Garrison Urban Village Development known as Area H and Area S2North be endorsed.