

PLANNING COMMITTEE 19 JANUARY 2012

Present :- Councillor Ray Gamble (Chairman)
Councillors Peter Chillingworth, John Elliott,
Stephen Ford, Peter Higgins, Theresa Higgins,
Sonia Lewis, Jackie Maclean, Jon Manning,
Philip Oxford and Laura Sykes

Substitute Member :- Councillor Nigel Chapman
for Councillor Christopher Arnold

Also in Attendance :- Councillor Mike Hardy

(* No formal site visits were undertaken for this Committee.)

105. Minutes

The minutes of the meeting held on 5 January 2012 were confirmed as a correct record.

Councillor Peter Chillingworth (in respect of being a member of the Council for the Protection of Rural Essex) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

106. 110953 Church Lane, East Mersea

The Committee considered an application for the conversion of existing barns and stables to form eighteen self-catering holiday accommodation units and the erection of fourteen new holiday cottages. The Committee had before it a report in which all information was set out.

Nick McKeever, Planning Officer, and Andrew Tyrrell, Development Manager, attended to assist the Committee in its deliberations.

Councillor Sutton attended and, with the consent of the Chairman, addressed the Committee. He was concerned that the additional dwellings in a community with only 100 dwellings would provide no planning gain for the community because of their designation as holiday accommodation, and this situation could be repeated elsewhere. He also considered that the inclusion of the school bus in the travel plan did not accord with the objective to inform potential users of the accommodation about alternative forms of transport available.

Members of the Committee expressed disappointment that only one cycle parking space per five pitches was provided and queried whether there were any designated parking spaces for disabled users. They sought confirmation that the accommodation would comply with the requirements of the Disability Discrimination Act (DDA) and

would be built to environmentally sustainable standards. Reference was made to the potential for the new Community Infrastructure Levy to provide some benefit to the community as a result of developments. Holiday accommodation was outside the scope of Section 106 contributions and members requested that the Spatial Policy Team review the current policy.

The Planning Officer explained that there was no indication on the plans of any disabled parking spaces for this accommodation, but within the entire site there were three disabled parking spaces; an amended plan showing disabled parking spaces could be requested. In terms of the DDA issue, details of access to the accommodation by wheelchair users could be required by condition. In terms of the travel plan, although it was likely that people would travel to the site by car, there was a bus service accessible in West Mersea which was within walking distance and cycle facilities were available on site. In respect of any environmental credentials, it was explained that this was an issue for building regulations.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for the submission of an amended plan showing the provision of a minimum of three disabled parking spaces and for confirmation that the holiday accommodation would be DDA compliant.
- (b) Upon receipt of the required amended plan and confirmation of DDA compliance, the Head of Environmental and Protective Services be authorised to approve the application with conditions and informatives as set out in the report together with an additional informative to advise the applicant to ensure that the development complies with 'green' standards.
- (c) A note be passed to the Spatial Policy Team to ensure that consideration be given to holiday accommodation being included in the Local Development Framework and the Community Infrastructure Levy regarding any financial contributions and benefits to the community.

107. 111981 Colchester Town Station, St Botolph's Circus, Colchester, CO2 7EF

The Committee considered an application for the development of the Colchester Town Station approach area including the removal of the parking area, to form a new pedestrian space. Works to include new paving, lighting and bespoke artwork for seating, guarding/gates and feature rails inset within the paving. The Committee had before it a report in which all information was set out.

John More, Planning Officer, and Andrew Tyrrell, Development Manager, attended to assist the Committee in its deliberations.

The planning officer responded to the Committee's concerns expressed at the meeting on 15 December 2011. He explained that funding for additional cycle racks had been identified they could be located on a piece of land currently occupied by the

Paxman's crank shaft. The crank shaft could be relocated to a suitable place within the new Town Station Square and secured by condition, subject to the consent of the Engineers' Society and with the agreement of the landowner. Functional seating would be provided within the new square in place of the granite blocks, the design subject to agreement with the railway authority and secured by condition. In respect of the drop off point, the Highway Authority had advised that it would not be possible to provide a drop off point adjacent to the Town Station Square at this stage. The provision of a drop off point would be considered within any future updating of the layout of the roundabout and members requested that they be consulted on any such updating. As an interim measure, a drop off point could be provided within Britannia Car Park with appropriate signage provided from the Town Station.

In addition, the planning officer explained that the Colchester oyster had been the inspiration for the design of the floor of the square in shape, pattern, texture and colour and members requested that an interpretation board be erected to explain this connection.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for submission to the Secretary of State to determine whether the application would be called in.

(b) Upon receipt of confirmation that the Secretary of State did not wish to call in the application, the Head of Environmental and Protective Services be authorised to approve the application with conditions and informatives as set out in the report together with additional conditions to confirm the relocation of the crank shaft and in respect of functional seating. Conditions 10 and 11 to become informatives with an additional informative requiring an investigation into an interpretation board to explain the design concept of the square.

108. 111725 13 Park Road, Colchester, CO3 3UL

The Committee considered an application for a proposed single storey extension to provide an additional bedroom and a change of use from dwelling house (C3) to nursing home for people with physical or mental difficulties (C2). This application was a resubmission of an extant permission 081154 which had expired. The Committee had before it a report in which all information was set out.

John More, Planning Officer, attended to assist the Committee in its deliberations. He corrected an error within the report in respect of five letters of objection which had been received and not three as stated. He referred to an objection by one of the local secondary schools.

Mrs Shirley Martin addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Her primary concerns were in respect of noise and nuisance emanating from the nursing home. Specifically she was disturbed by thumping noises and flooding across her drive emanating from the laundry room which was in operation at evenings and weekends. She wanted

there to be separate sewage systems. She also suffered from screaming noises at any time and car engines and radios at night when staff were being dropped off and collected. The area had once been a quiet residential area but she found the noise, nuisance and disturbance from the nursing home unbearable and she did not want any increase in capacity to be approved. She also referred to issues in connection with security fences, gates and their maintenance.

Robert Brain addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He proposed that they commission a visual inspection of the drains and add a condition for sound proofing the laundry room. The application included a larger en suite room for someone who required a hoist as they were bed-bound. The application would also provide improved kitchen and office facilities for the manager and would improve the appearance of the building.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. He referred to the impact on residential amenity caused by noise and disturbance; the family home having a change of use to a residential home in 1996. He referred to the history of noise emanating from the building and believed the solution should be available from Environmental Control. He was aware that nothing could be done regarding the behaviour of residents. He believed that the borough council had a responsibility to provide this group of the community with appropriate accommodation. However, whilst some groups could fit into a residential area others may not. He asked that the application be refused because it was the only way to limit the disturbance to neighbours.

The planning officer explained that this application would trigger a change of use because of the additional bedroom. The noise issues had been raised in 2008 but the dwelling could be occupied by a large family with similar issues. A condition to secure sound proofing of the laundry room as offered by the applicant was supported. He explained that it was only when matters had gone above and beyond what could be tolerated that powers were available to take action to control late night noise from staff arriving and leaving. The sewage system was not an area that this council could control because it was a private road with a private sewage system, but it was considered unlikely that one additional resident would make the situation significantly worse. The suggestion that a visual inspection of the sewer be undertaken was supported and could be added as a condition.

Members of the Committee established that there would be a total of three toilets for all the residents and staff, and concerns were voiced that the care home lacked adequate facilities for their patients. There appeared to be no clarification on the specific needs of residents. Some members considered the use to be inappropriate for a residential area, the amenity space to be insufficient for the number of residents, and disputed the facility being in close proximity to a bus corridor. Noise from a large family was not comparable to the continuous noise which was currently occurring from this property. Complaints from neighbouring residents about the sewage system and soapy water flooding out had been known about for a number of years and members were concerned that nothing had been done about this situation by those who were responsible for the facility; it appeared that they were not taking the neighbour's

concerns seriously. There were concerns regarding the impact on amenity and harm to the human rights of residents. Members hoped the applicant would take this opportunity to build a relationship with the neighbours.

Some members of the Committee did not believe that this application would result in a significant deterioration in the conditions for neighbours. The two measures referred to were supported and could improve the situation but nothing could be done to change the behaviour of the residents. Reference was made to inspection visits made by the Care Quality Commission and it was suggested that Mrs Martin could record any disturbances as evidence and pass it onto the Commission.

The Development Manager agreed that there were some areas where further clarification was needed and suggested that the application be deferred to obtain such clarification so that any decision could be based on full and accurate information; there were some differences between a care home, a nursing home and a home in multiple occupation, and the nature of the use required clarification. He believed there might be scope for Environmental Control to legislate over the noise issues.

Members suggested that as part of the clarification exercise, an approach be made to agencies who deal with such institutions in connection to the standards required.

RESOLVED (UNANIMOUSLY) that the application be deferred for additional information regarding drainage, noise and use types.

Councillor Laura Sykes (in respect of the agent for the applicant being her neighbour) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

109. 112155 21 Parkfield Street, Rowhedge, CO5 7EL

The Committee considered an application for the removal of an existing single storey rear extension and a replacement single storey rear flat roof extension. 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.