

PLANNING COMMITTEE
14 APRIL 2011

- Present :-* Councillor Ray Gamble* (Chairman)
Councillor Helen Chuah* (Deputy Mayor)
Councillors John Elliott*, Andrew Ellis*,
Theresa Higgins*, Jon Manning*, Philip Oxford* and
Laura Sykes*
- Substitute Members :-* Councillor Richard Martin
for Councillor Peter Chillingworth
Councillor Michael Lilley for Councillor Stephen Ford
Councillor Christopher Arnold
for Councillor Jackie Maclean*
- Also in Attendance :-* Councillor Bill Frame
Councillor Henry Spyvee

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

212. 100304 Land adjacent to Gregory and Card, Wormingford Road, Wormingford, CO6 3NS

The Committee considered an application to vary Condition 1 of planning permission 090786 permitting the retention of 22 sealed metal containers for storage for a further temporary time period up to and including 31 August 2014. The Committee had before it a report in which all information was set out, see also Amendment Sheet which confirmed that the door mechanisms on the containers had been lagged and notices advising of the hours of operation attached to each container.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

In response to a query from the Committee on the current situation of a succession of temporary permissions, the planning officer explained that temporary permissions should only be given for three years and the time may have come when a permanent permission should be investigated.

RESOLVED (UNANIMOUSLY) that the application for a temporary permission until 31 August 2014 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

213. 102680 Greyfriars, Hillcrest and All Saints House, High Street, Colchester, CO1 1UG

The Committee considered an application for a change of use of the site and premises from their existing uses within Use Class D1 (Greyfriars/Hillcrest) and Use Class B1 (last known use of All Saints House) to hotel with bar, restaurant, function

room, ancillary offices and staff flat (primarily within Use Class C1). The application included the partial demolition of outbuildings and boundary walls, and internal and external alterations to existing buildings to form the proposed hotel accommodation; together with the erection of a new three-storey height lift enclosure; single storey extensions to form a glazed entrance foyer, office and corridor space; and roofed enclosure for external freezer units; external works to include hard and soft landscaping. 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.

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

Lana Meade addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application as a representative of Greyfriars Court Management Company. She was pleased that the development was going ahead to bring the building back into use and that the marquee had been removed from the scheme. However, she had a number of concerns substantially concerning noise which could disrupt the peace of the area and the protection of trees, roots and artefacts. Specifically she was concerned about contractors queuing up outside the site from 6.30am during the works, and after the conversion works she was concerned about noise generated by functions, the function room in general, and people making noise late at night. She also mentioned smokers outdoors, car parking, traffic safety, density and fumes, and noise from the processing of rubbish, staff arriving and leaving at unsocial hours, service vehicles and cleaning equipment.

John Lawson, in his capacity as agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The scheme would provide twenty-five new jobs and he believed the investment would provide a sympathetic conversion for this important heritage asset in the town centre. He believed that the traffic levels would be low and there would be adequate parking provision. However, if required the adjacent public car park could provide an overflow area and there was further capacity within the site if required. Discussions had been held with officers from both the borough and county councils and the scheme had been amended in response to comments from residents. They did not wish any resident to be unduly affected.

Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee. He accepted the development in principle but was concerned about the neighbouring development whose 23 residents would be most affected. He referred to the parking requirement of 67 spaces being a maximum but accepted that not all those spaces would be needed. However he asked that fifty plus parking spaces be provided. He was also concerned that there appeared to be no parking provision for staff who would need vehicles on site and whilst the site was accessible not all staff would arrive by bus. He also referred to the requirements of the Highway Agency for measures to prevent mud being deposited on surrounding roads and for all construction and delivery vehicles to be parked on site. He considered it to be an

excellent addition to the borough subject to the details being right.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He believed this application contributed towards the heritage and regeneration of the town but he wanted the application properly worked through the Committee. In respect of a marquee, he asked whether this would also apply to temporary event notices. He noted that the parking provision for motorbikes was closer to Greyfriars Court than that for cycle parking and, for the benefit of neighbours, he asked if the motorcycle parking could be relocated further away from Greyfriars Court. He wanted sufficient landscaping to protect the amenity of Greyfriars Court residents. He accepted that this was an appropriate use for the building but he wanted residents' concerns taken into account with appropriate mitigation against impacts on their amenity.

The planning officer explained some of the conditions on the Amendment Sheet in more detail, specifically Conditions 12, 13 and 14. Conditions could also be added to ensure the appropriate siting and location of the smoking shelter and to restrict the times of use of the recycling facilities and to require details of the storage of refuse to be submitted. She explained that she was not familiar with a temporary event notice but this site did not qualify under the temporary use of open land for a certain number of days per year.

In respect of landscaping and boundaries, she referred to the retention and protection of the Holm Oak, some further landscaping along the boundary with Greyfriars Court, and a boundary wall on the eastern edge to separate the site from the public car park. In respect of parking facilities, she confirmed it would be possible to impose a condition to ensure that parking areas for powered and non-powered two wheelers would be located to achieve minimum disturbance to residents. She was aware that there was scope for an overflow car park if the proposed thirty-one space car park was considered to be inadequate. The agent had offered to provide additional parking within the red line where the outside events were to have taken place. It was considered that the hotel and ancillary uses would generate less traffic than the land use as a car park and an education establishment, and that the number of vehicle movements generated by staff would be minimal.

Members of the Committee would have preferred to see the full sixty-seven car parking spaces, but were reassured that there was an overflow car park which could also cater for staff to park on site if working a late shift. However, this overflow area would not be available in the event that that the area was developed. If parking was to be provided where the outside events were to have taken place, it was requested that it should be provided as 'green' parking. Members requested that an investigation be undertaken to establish the optimum site for the motorcycle parking area, determination of the final location to be delegated to officers. They asked that conditions should specify unsocial hours where appropriate. There was also some concern that the extraction equipment should be screened.

The planning service manager referred to the suggestion by the agent that there may be some capacity to provide some flexible car parking when needed within the red line. In respect to mitigating measures to protect residents amenity, he referred to

new conditions or amended conditions which could be appropriately worded to prohibit open air events which were separate and not related to the main hotel use, and also to prevent the use of the whole of the outside areas, including the terrace garden by all customers and at certain times. The planning officer referred to the siting of extraction equipment, in particular that it was understood that it would be located on the less sensitive parts of the building and not on the front elevation.

Details of the extractor equipment were required to be submitted and approved before works commenced on site. She stated that it was unusual to restrict the hours of use of a glass recycling facility but a non standard condition could be imposed to prohibit use between the hours of 7.30pm to 8am and to require the waste glass to be kept inside the building between these hours.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet together with the following amended/additional conditions:-

- Details of the location of an outdoor smoking area to be submitted and agreed prior to commencement of development (location to minimise any impact on residents).
- Switching location of the powered two wheelers with cycle parking if new location will reduce noise (consultation with Environmental Control).
- Details of the extractor equipment to be submitted and approved before works commence on site.
- Additional car parking spaces to be provided – details to be submitted and agreed prior to commencement and agreed details to be provided prior to use commencing.
- The SYMA condition no. 24 to restrict use of the area to 7.30am and 8pm.
- Condition 12 to include details of arrangements for delivery vehicles/contractors etc. which arrive before the permitted working/delivery times (not to queue/park outside the site).
- Condition 15 to relate to all customers including hotel guests and remove the exception for smokers.
- New condition to prevent the use of all outside areas for any organised events (this will include the car parks and all the garden areas).
- Plus restriction on the use of all the outside areas, other than the terrace and other than between the hours of 7.30am and 8pm (this will have to exclude the car park and circulation areas/access, etc.).

214. Tree Preservation Order Process // with specific reference to recent application 102121 16-23 Darwin Close, Colchester

The Head of Environmental and Protective Services submitted a report to explain the process for Tree Preservation Orders and to seek confirmation from the Committee that had the report on planning application 102121 considered at the Committee's meeting on 17 February 2011, made a correct reference to the ability to serve Tree Preservation Orders on the trees on land adjacent to the application site, their decision would have been the same for the reasons previously agreed, in that the

amenity value of the trees was fully considered at the time and their protection was not given as much weight as securing affordable housing units in the very particular circumstances of the case. The Committee had before it a report in which all information was set out.

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

RESOLVED (UNANIMOUSLY) that –

(a) The process for making Tree Preservation Orders be noted.

(b) It be confirmed that had the report made a correct reference to the ability to serve Tree Preservation Orders on the trees on adjacent land, the Committee's decision on planning application 102121 at its meeting on 17 February 2011 would have been the same for the reasons discussed at that meeting.

215. Matter of Urgency // 110445 and 110447 Faraday House, Circular Road North, Colchester,

The Head of Environmental and Protective Services submitted a report pursuant to the provisions of Meetings General Procedure Rule 12 to inform the Committee that following advice from the Monitoring Officer and after consultation with the Chairman and Group Spokespersons of the Planning Committee, the Head of Corporate Management had invoked the power to determine planning applications 110445 and 110447, Faraday House, Circular Road North, Colchester as described in the report.

RESOLVED (UNANIMOUSLY) that the decision to approve the planning applications 110445 and 110447 as a matter of urgency pursuant to the provisions of Meetings General Procedure Rule 12 be noted.