

PLANNING COMMITTEE

16 JUNE 2011

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

Also in Attendance :- Councillor Michael Lilley
Councillor Anne Turrell

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

12. Minutes

The minutes of the meetings held on 18 May and 19 May 2011 were confirmed as a correct record.

Councillor Ray Gamble (in respect of being a season ticket holder for Colchester United Football Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Christopher Arnold (in respect of having facilitated and attended but not taken part in a meeting between local residents and Essex County Council officers some two years ago) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Theresa Higgins (in respect of her membership of the determining body, Essex County Council Planning Committee) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

13. 110616 Park and Ride, Cuckoo Farm, Boxted Road, Colchester

The Committee considered an application for the construction of a Park and Ride facility with associated terminus building, landscaping, access road, lighting and associated infrastructure. In this case the borough council is a consultee and the decision to allow or refuse planning permission for the development rests with Essex County Council. The land is owned by Colchester Borough Council. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its

deliberations. He described the application for a Park and Ride facility on land allocated for the purpose with operational hours of 7am to 7pm from Monday to Friday. He stated that if desired it could be used in conjunction with the Community Stadium on match days.

Louise Lockheart addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She objected to the proposal on the basis of pollution from light, noise and air. She referred to the otters which had been seen, and was concerned that no wildlife survey had been undertaken, and that the brook should not be polluted. Her other concerns were that the scheme was being supported with funding for three years after which it would be expected to be self-sustaining. However with the current economic climate, job losses, and council services being reduced, she was concerned it may become unviable. She quoted CPRE research which had show that if more parking was provided, more people would use their car, and if more bus routes were provided more people would use the services. The Park and Ride facility may reduce congestion but could lead to a large car park on greenfield land. Overall there would be an increase in carbon emissions at a time when there was an imperative to reduce such emissions. She referred to the footpath from the Park and Ride taking pedestrians out to Boxted Road, which currently was closed because it was unsafe for pedestrians.

Members of the committee advised Ms Lockheart to submit her concerns to Essex County Council who were the determining body in this instance. The site was allocated for this use in the Local Development Framework and this consultation by Essex County Council was in regard to the details and possible impacts on the amenity of residents. Residents were some 90 metres distant and there was a substantial bund and planting planned which may take some time to mature. They were aware that the bund for the petrol filling station was not yet in place, and they wanted a guarantee that the bund for this site would be in place before the work on the Park and Ride commenced. Members were concerned that the lighting should be sufficient to be safe for users returning to their cars in the evening but not so bright that the sky was illuminated. A Park and Ride facility on this site was only allowable because of its ability to reduce congestion which would enable objectives for green forms of travel to be met. Members did not want the facility to be open beyond the hours specified, that is after 7pm or on Sundays, this would effectively turn it into an ordinary car park in a location which would not normally be permitted on this site. Members did not support the use of the facility as an overflow car park for the Community Stadium outside the stated hours. If Essex County Council wanted the facility used in this way it should be the subject of a planning application on the basis that it would then be an ordinary car park.

The planning officer responded that the service would cease at 7pm, and any lighting after 7pm would be an issue for site security. It was recognised that lighting was critical and residents should be included in any discussions regarding the details of the lighting. The lighting could be controlled manually to maximise energy efficiency in various areas of the car park. It was confirmed that the Council has required lighting to be provided alongside the child development/mental health facility, and there was much better pedestrian lighting to the Community Stadium through Phase 2 of the Severalls development which was in prospect. There were disabled facilities in terms of toilets,

parking spaces and accessible buses. Whilst the facility would be provided in two stages, officers' view was that the bund should be provided before the first phase was operational. Whilst it was appropriate for a shared use with the Community Stadium, it was considered that the facility could only be available for Saturday afternoon matches; evening and Sunday matches would fall outside the hours of operation. An agreed Essex County Council site management plan formulated in collaboration with Colchester Borough Council and residents was recommended which would enable the level of use to be clear. Any reference to drainage could be strengthened to include measures to protect otters.

RESOLVED (UNANIMOUSLY) that Essex County Council be advised that Colchester Borough fully supports the planning application for a park and ride development on the identified site as it accords with the Council's adopted Local Development Framework Core Strategy and the Strategic Plan. In determining the proposal Essex County Council should have due regard to the points set out in the report together with the following matters:-

- Essex County Council be required to agree a Site Management Plan and Security Statement that fully describes how the Park and Ride site will be made secure and monitored outside of hours of operation. This Plan/Statement shall be agreed in collaboration with the Parish Council and local residents.
- The Borough Council is concerned that all lighting to serve the development has regard to the amenity of local residents and the environment in general and therefore the lighting scheme should be designed to protect these aspects in accordance with a detailed scheme.
- Details shall be provided that clearly demonstrate measures to control pollution of the local water environment (including oil receptors in drains). It has been brought to the Council's attention that otters may reside in the vicinity of the site and therefore any scheme to protect the water environment would have to take account of possible ecological impact.
- The Borough Council would require that all proposed planting and bunding is provided prior to the opening of the first phase of the development – that is the provision of 650 spaces.
- The Borough Council notes the hours of opening and requires written confirmation that any variation of these hours will require the submission of a new planning application and the Borough Council will be consulted in the normal way.

14. 110508 Land adjacent to and west of new Northern Approaches roundabout, A12 Trunk Road, Colchester

The Committee considered an application for a variation to Condition 3 of O/COL/01/1625 to allow application for approval of the Reserved Matters to be made to the Local Planning Authority before expiration of six years from the date of the permission. 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.

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

Councillor Laura Sykes (in respect of her membership of Stanway Parish Council, but not a member of its Planning Committee) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Jackie Maclean (in respect of having a business relationship with a company which operates from the site) 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) She made representations on the application in accordance with Paragraph 12(2) of the Code of Conduct for Members and then left the meeting during its consideration and determination.

15. 110736 Wyvern Farm, 274 London Road, Stanway, Colchester, CO3 8PB

The Committee considered a retrospective application to regularise unauthorised uses in respect of Units 17, 18, 25 and 29 for light industrial (B1c), storage use (B8), retention of existing portacabins for office use (B1a), together with storage of hardcore and occasional crushing. 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. She referred to additional conditions for prior notice to be given to residents and Stanway Parish Council in respect of the crushing activity, and also for an area for crushing and an area for storage being restricted to the two areas shown on the plan. Crushing and storage uses were carried out by the mason Group for the vehicle operating centre.

Colin Sykes, Chairman of Stanway Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to comments from Environmental Control on the Amendment Sheet supporting the application with the number of days that the crushing can take place. The Parish Council only objected to the crushing and storage, they had no objections to the other elements. Their objection was on the basis of it being an inappropriate use of the land because there were properties along the frontage of London Road which could be affected by the noise and the dust. The Parish Council supported the retention of the portacabins and the light industrial uses, but wanted the Committee to refuse the crushing and storage operations.

Councillor Jackie Maclean addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She had no objection to the entire planning application but was concerned about the hours of the

crushing element. She was more content with the revised conditions referred to and the outline conditions. She believed the applicants should respect their neighbours and she asked that Environmental Control officers notify residents of the days that the crushing activity would take place.

The site ran behind residents' gardens and members of the committee were similarly concerned with the crushing activity. Members questioned the location of the crushing activity within the site, the feasibility of residents and the parish council being given advance notice of the days when the crushing would take place, and the possibility of restricting permission for the crushing activity to one year temporary permission.

The planning officer explained that the operator had permission for three HGVs which would control the amount of traffic movement. Environmental Control were aware of the facility and could investigate any breach of their conditions and if there was a statutory nuisance they could close the operation down much quicker than planning enforcement. It would be possible to further restrict the consent for the crushing activity to a shorter period. It was suggested that a deferment would enable officers to investigate thoroughly the situation and to review the conditions to ensure they were robust, including a reworded Condition 2 to align the date with other Conditions already in force; to formulate a more tightly worded Condition 3, hours of use; to amend Condition 4 as set out on the Amendment Sheet; an extra Condition to require five clear days notice of crushing to be published to residents, ward councillors, parish council and the Local Planning Authority, and a sound level to be sought for the crushing machine.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for the following matters:-

- Details of the method of screening and dust control that Environmental Control would apply.
- The tonnage involved.
- Number of vehicle movements each day.
- The noise generated by the crushing operation in decibels.
- Measures of storage and crushing area.

Case officer to negotiate with applicant to see if an alternative location on the site is possible (further away from residential properties).

Condition 2 to be revised so the permission for storage of hardcore and crushing expires on the same date as the planning permission for the vehicle operating centre (20 August 2013).

Condition 4 to read:- The crushing shall take place no more than 4 times per year for 3 days for each episode. This shall take place solely within the hours of 8am to 6pm on Mondays to Fridays, and at no time during weekends or Bank/Public holidays.

Condition 5 to be revised to restrict storage and crushing to the specific areas shown on the drawing.

Additional condition requiring applicant to give the Local Planning Authority, Parish Councils, Ward Councillors and residents 5 working days prior to all crushing operations.

Consideration of the matter to come back to Committee.

16. 110023 21 Regent Street, Rowhedge, CO5 7EA

The Committee considered an application for a proposed new dwelling on land adjacent to 21 Regent Street, Rowhedge. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, and Lee Smith-Evans, Urban Designer, attended to assist the Committee in its deliberations.

Mr Morley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He objected because of the loss of light to parts of his house. His kitchen diner was the hub of the house and the new dwelling would take out most of the light which comes from the window. The sunlight would be affected and there would be a long shadow from the proposed house. This was not a side extension. There had been trees against the boundary and when they were removed they had excellent sunlight. There is insufficient parking for the new dwelling. A parking space had been taken from no. 21 and allocated to the new property. Pedestrian access was affected.

Philip Wright addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the 2004 application. He had a note on the drawing 'a detached dwelling capable of facing the road may be an accepted form of development'. The current drawings have addressed the 45 degree overshadowing issue. The occupant of the chapel mentioned whether the client would install a sun tunnel which would resolve the matter but he did not understand what a sun tunnel was. The parking bay was slightly smaller than the standard but he could take a small wall down and make the parking bay wider. The first two panels of fencing were originally an 8' high garage which he had demolished and trees have been cut down which gives the neighbours more light.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. He stated that Rowhedge was struggling with too many cars and narrow roads and there was congestion in this road. The Highway Authority objected to the application in 2004, but that application was approved in spite of there being too many cars. Mr Wright removed the garage and replaced it with one parking space; if he could fit in two parking spaces it would be a help. The objector has gone over the light issue; the kitchen diner only really has one window so this development will affect their way of living.

Members of the Committee asserted that the parking provision for this three bedroom property was two spaces plus one visitor space. They queried whether the Highway Authority had been consulted, whether the property could be moved back into the plot

to allow two parking spaces in front which would give more light to the chapel kitchen window, and whether permitted development rights should be removed. There was some sympathy with the neighbour regarding their loss of light, but a refusal would not be sustainable at appeal. There were white lines on the road which did not permit parking so there could not be a reduction in on-street parking.

The planning officer explained that the Highway Authority appeared not to have been consulted. The site was within a Conservation Area. There was a distinctive rhythm in the street and it would be wholly out of keeping with the area to set it back to enable two parking spaces to be provided. All the parking for no.21 is on-street, while there is a single parking space for the new property. The outline permission in 2004 had expired and different parking standards now apply. Although the current proposal was for a three bedroomed property whereas the earlier outline permission was for a two bedroomed property, this did not necessarily mean the footprint had increased. She confirmed that it would be possible to remove permitted development rights.

Members of the Committee were frustrated that there were no comments from the Highway Authority. Some members were not persuaded that a building of the width proposed was typical of the street, and if the new dwelling was narrower, similar to surrounding properties, it may be possible to get more parking spaces on the site and solve the design issue.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for the following matters:-

- for consultation with the Highway Authority;
- for the Case Officer to negotiate revised proposals to include two tandem parking spaces to meet standards and a narrower property;
- condition to remove permitted development rights for extensions on any planning permission.

17. 102685 Garage Court, Gloucester Avenue, Colchester, CO2 9AX

The Committee considered an application for the provision of four affordable dwellings with associated parking and 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 Legal Agreement under Section 106 of the Town and Country Planning Act 1990 to provide for contributions towards:-

- Open Space, Sport and Recreational Facilities, and
- Community Facilities

in accordance with the Council's Supplementary Planning Documents.

(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.