

PLANNING COMMITTEE 22 SEPTEMBER 2011

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

Also in Attendance :- Councillor Pauline Hazell
Councillor Margaret Kimberley

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

54. Minutes

The minutes of the meeting held on 25 August 2011 were confirmed as a correct record, subject to addition of the following text after the first sentence in the third paragraph of minute 48 Victory Dock, Coast Road, West Mersea:-

“In her presentation of the application Ms Jackson drew Members attention to page 87 paragraph 10.4 and explained the application must be determined on its planning merits and that any discussions by other Council Services are not relevant to the consideration of or determination of this application. “

55. **091305 and 091343 The Jumbo Water Tower, Balkerne Passage, Colchester, CO1 1PA**

Councillor Chillingworth made the following statement on behalf of members of the Conservative group who attended the meeting on 8 September 2011 when planning applications 091305 and 091343 were discussed:-

“Following the meeting, Bob Russell, MP for Colchester Town, chose to make a public statement calling for an inquiry into how the Conservative members voted, because of donations made by the applicant to Conservative candidates at the 2010 Parliamentary elections.

I want to state that none of the Conservative members present knew of these donations. In addition, I have had the assurance of the Chief Executive, Adrian Pritchard, that even if we did, we would have been under no obligation to declare an interest. I understand that he has rejected the MPs request for an inquiry.

Finally we are dismayed that the MP has, once again, chosen to politicise the Committee’s business and cast doubt on the integrity of members because the way they vote and particularly, in this case, when they followed the advice of the planning officer’s recommendation.”

Councillor Gamble stated that in respect of these applications that before the Committee began to consider the applications he declared that he had received a letter from Bob Russell, MP. He had sought advice on behalf of all members of the Liberal Democrat group about whether he should declare an interest in respect of this correspondence and was advised that this was not necessary. He was aware that a complaint has been made to the Monitoring Officer in respect of this matter and that the issue had been discussed in the local press. It was his view that each member had come to their own view on the applications based on the information before them.

56. 111241 Garrison Area H, Cateau Road, Colchester

The Committee considered an application for the approval of the reserved matters following outline approval (O/COL/01/009). The application proposed the erection of an additional two two bedroom flats in place of three commercial units.

The Committee had before it a report in which all information was set out.

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

57. 110608 and 110609 St Johns Ambulance Site, Chapel Road, Wivenhoe

These applications were withdrawn by the Head of Environmental and Protective Services in order for consideration of further matters raised by the agent in relation to the grounds of refusal. The applications to come back to a future meeting of the Committee.

Councillor Sonia Lewis (in respect of her acquaintance with the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

58. 110937 Tubswick, Mill Road, Colchester

The Committee resumed its consideration of an outline application for the demolition of the existing building, the construction of a replacement dwelling and eight additional dwellings, garages and associated works. The application had been deferred by the Committee at its meeting of 28 July 2011.

The Committee had before it a report in which all information was set out together with comments on the Amendment Sheet.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Councillor Pete Hewitt, Myland Community Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Whilst the additional conditions proposed in the report were welcomed, they did not address the fundamental issue with this application which was that it introduced an additional traffic hazard outside Myland Primary School. The proposed access would effectively make a crossroad. Myland Community Council were dismayed that Essex County Council did not recognise the additional risk this created. If approved, the application would diminish the sense of place. The proposed service road was inadequate and the proposed development was too dense. A reduction in the density would also reduce the risk to pedestrians. If the application were to be approved, the layout plan including the number of houses should be specifically labelled as “non-indicative”.

Members of the Committee were of the view that the deferment had been successful in ensuring that concerns about the development were properly addressed. The concerns about density were noted, but this development was well within the accepted density levels for urban Colchester as set out in the Core Strategy. Members of the Committee indicated that screening at the south end of the site should include a mix of mature and semi-mature trees to ensure a high level of screening from the outset. Concern was also expressed about the applicability of the 45 degree rule from the development and the impact of the access road on the pavement on the south side of Mill Road.

It was explained that the pavement on the south side of Mill Road would continue with a dropped kerb rather than a bell mouth opening for the access road. In respect of the planting on the southern boundary, this would normally be a matter for the reserved matters, but it was the intention to specify a reasonable screen from the earliest possible opportunity. Condition nine could be strengthened to require this. Issues of overlooking and the 45 degree rule would also be for the reserved matters application. The indicative plan provided with the application was in broad terms suitable.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the Unilateral Undertaking and the conditions and informatives as set out in the report and with condition 9 to be expanded to include the planting of mature and semi-mature trees.

59. 111464 9 Mountbatten Drive, Colchester

The Committee considered an application for the conversion of a garage into a lounge, including replacement garage door with upvc window and brickwork.

The Committee had before it a report in which all information was set out.

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

60. 111470 100 Coast Road, West Mersea

The Committee considered an application for the erection of a boat store and improved access to Coast Road.

The Committee had before it a report in which all information was set out together with comments on the 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.

Dave Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. When introducing the application, he highlighted to the Committee the change in the recommendation to refusal as set out on the Amendment Sheet on the basis of comments received from the Tree Officer.

Mr Lewin addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The site was located in a conservation area, which was a quiet residential area. He believed that the applicant had also plans to build a gravel roadway, garage and an extension to the dwelling. No overall plan had been submitted but this backland site would gradually be covered by development. He drew the Committee's attention to errors in the report about the size of the proposed store, which would be large enough to accommodate two routemaster buses. He noted that 100 Coast Road was the business address of the applicant's company and was concerned about potential business uses on the site. The report was flawed and its recommendation invalid.

Councillor Kimberley attended and, with the consent of the Chairman, addressed the Committee. This was a resubmission of a previous application that had been refused. The changes from the refused scheme were minimal. Particular concern was expressed about the impact of the proposed development on Firs Hamlet. The fencing between the site and Firs Hamlet was not robust. The applicant was a successful contractor and the use of heavy machinery on this site, especially on a gravelled road, would be intrusive and noisy. It would introduce an industrial use into a residential area. If the application were to be granted the strongest possible conditions should be imposed and the gravel road moved further away from the boundary with Firs Hamlet. The proposed condition 3 would be hard to police and should be strengthened. There was a subsidence problem in Firs Hamlet which could be exacerbated by the movement of boats or heavy machinery.

In response to queries from the Committee, planning officers clarified the dimensions of the boat store. It was explained that whilst concerns about future development had been expressed by speakers, the Committee had to consider the application before it on its own merits. In respect of concerns about possible business uses on the site, conditions were proposed to limit the use of the site to residential use. Enforcement action could be taken if a business use developed on the site.

Some members expressed concern at the late change in recommendation. Whilst it noted that this was because the applicant had submitted information late, the

application had been validated. There had no opportunity to test the views of the Tree Officer or seek to resolve the issues raised. Members of the Committee considered that it would be fairer in the circumstances to explore with the applicant whether it would be possible to relocate the boat store further away from the site boundary in order to overcome the issues identified by the Tree Officer. Authority to determine the application should be delegated to the Head of Environmental and Protective Services

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for consideration to be given to resiting the rear of building away from the site boundary in order to allow for the proper assessment of the impact of the development on nearby trees and hedge.

(b) The Head of Environmental and Protective Services be authorised to grant consent under delegated powers with conditions and informatives as set out in report (subject to (c) below) in the event that suitable amended plans are received. In the event that suitable amended plans are not received, then the application is to be refused on tree protection grounds.

(c) Should planning permission be granted that condition 3 be strengthened to clarify that the building should only be used for the storage of 2 boats for the private use of the applicant.

61. 111135 Former Garrison Theatre Build, Circular Road South, Colchester

The Committee considered an application for the change of use of the garrison theatre building to church and ancillary use.

The Committee had before it a report in which all information was set out together with comments on the Amendment Sheet.

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

Dr Demuren, Chair of the Board of Trustees of the Redeemed Christian Church of God addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Church was a not for profit Christian charitable organisation. The Church currently used premises on Brook Street which were now inadequate and therefore needed a new home. Locating to this building would serve the needs of both the Church and the local community. No changes would be made to the exterior of the building and internal changes would not be detrimental to the history and character of the building. The Church would offer holistic services to meet both individual and community needs such as health and food services. Other churches were successfully integrated into residential areas and improvements such as double glazing and air conditioning could be introduced to ensure that no noise nuisance occurred.

Councillor Hazell attended and, with the consent of the Chairman, addressed the

Committee. She stressed that she did not oppose the application per se, but expressed concerns about parking and noise issues. In respect of car parking, whilst the travel plan was quite impressive, Circular Road West and Circular Road East were very congested as was the Churchill Gate development. It was noted that complaints had been made about noise from the Church's premises at Brook Street. The Kingsland Church had had to comply with stringent sound proofing requirements. Whilst these had been expensive they had been successful and had given the Church great freedom. Potential expense and difficulty should not be a barrier to such requirements. The peace and well-being of local residents and future residents were very important. The application should be deferred for further investigation into noise issues and potential sound proofing requirements.

Members of the Committee discussed whether the proposed conditions would effectively control issues of potential noise nuisance. In particular it was noted that the conditions to control amplified music may not be appropriate for gospel singing. Some members endorsed the success of the conditions imposed on the Kingsland Church.

It was explained that, in addition to the condition relating to amplified music, it was intended to condition hours of use to order to control potential noise issues. The Kingsland Church example had been raised with Environmental Control but they were of the view that the situation was not directly comparable and it would not be appropriate to impose such a condition in this instance. Environmental Control were satisfied that the proposed conditions would provide the necessary safeguards. There had been no complaints about the Brook Street premises since 2008 which suggested that the Church would be a considerate and responsible neighbour. There would not be an objection in principle to the replacement of windows and the installation of double glazing provided it was of an appropriate design and material.

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 and the Head of Environmental and Protective Services be authorised to complete the agreement to provide a travel plan including a financial contribution to cover the cost of approving, reviewing and monitoring the travel plan.

(b) Upon completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives to cover the issues set out in the report.

62. 111289 Town Hall, High Street, Colchester

The Committee considered a listed building application to install an additional handrail to the main internal staircase.

RESOLVED (UNANIMOUSLY) that the application be endorsed and, in accordance with paragraph 8 of Circular08/2009 Arrangements for Handling Heritage Applications” that this application be referred to the Secretary of State for approval with the

conditions as set out in the report.