

# Planning Committee

## Thursday, 04 August 2016

**Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Member)

**Substitutes:** Councillor John Elliott (for Councillor Pauline Hazell)

### 354 Site Visits

Councillors Barton, Chuah, Elliott, Higgins, Jarvis, Liddy, Loveland and J. Maclean attended the site visits.

### 355 Minutes of 14 July 2016

The minutes of the meeting held on 14 July 2016 were confirmed as a correct record.

### 356 152493 6-7 Hawkins Road, Colchester

The Committee considered an outline planning application for 37 apartments, two office units and associated layout, access and parking with all other matters reserved at 6-7 Hawkins Road, Colchester. The application had been referred to the Committee because it was a major application which had generated objections. 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 proposals upon the locality and the suitability of the proposals for the site.

Bradly Heffer, Principal Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Kevin Read, on behalf of Hamblion Transport, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that Hamblion Transport were a long established haulage company based directly opposite the application site. The company had a fleet of 38 heavy goods vehicles operating all year round at all hours of the day and night. He had grave concerns about the implications of the approval of the application as he was of the view

that this type of commercial operation was not compatible with a residential area in close proximity. It was likely that future residents would seek to complain about noise and disturbance and this may lead to restrictions being imposed on his business operations. He acknowledged the status of Hawkins Road in the Local Plan and the view that the area was suitable for residential use but was of the view that this would have a significant detrimental effect on the operation of his business which had been established in this location over many years.

Peter Le Grys addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site had been an important base for Silverton Aggregates at the Hythe but the company had recently acquired other premises in the locality which would enable them to develop and expand. He referred to the existing residential development in the site adjacent to the application site and that no measures had been imposed to date to restrict the commercial operations in the area as a consequence. He considered the development of the area was a jigsaw of differing elements and asked the Committee to bear in mind the proposal's inclusion of office space and the various conditions which would help to mitigate issues such as flooding, parking and access.

Councillor Cory attended and, with the consent of the Chairman, addressed the Committee. He referred to the Supplementary Planning Guidance which stated a 60/40 commercial/residential split for the Hawkins road area. He considered residential use in the area had reached its maximum, given the already established commercial uses and he considered further loss of commercial uses needed to be resisted. He was aware of the recommended conditions to mitigate such issues as flooding, noise and parking but was of the view that these would not be sufficient to provide for the differing uses to exist together compatibly. He referred to the considerable existing parking problem in the area and also questioned the amenity area to be provided for residents within the proposals, especially given the units were likely to attract young families with children. He considered there would be potential for children to be in the vicinity of dangerous vehicle movements and did not consider balcony spaces to be an adequate consideration for dwellings with children in occupation.

The Principal Planning Officer acknowledged the provision of balcony spaces to a proportion of units in lieu of an amenity area and explained that the proposals also included the provision of roof gardens to the two buildings near the entrance to the site. He pointed out that the residential area to the south of the application site included a larger amenity area as this was a much less constrained site. The site was in the Flood Zone but the proposals had been drawn up cognisant of this fact such that no objections had been raised by the relevant technical experts. He explained that the residential status was in respect of the west side of Hawkins Road and, as this was included in the Local Plan, the principle of residential development opposite existing commercial operations was considered to be sound in planning terms. He was of the view that the recommended conditions to be applied to a planning approval were satisfactory

responses to any issues which may arise in relation to the development of the site.

A number of Committee Members were concerned about the compatibility of residential development in such close proximity to existing commercial uses and indicated their considerable misgivings regarding the potential loss of, or restrictions being placed upon, long established businesses in the area. Reference was also made to the amount of parking provision being proposed and, whilst the ability to accept provision below the generally accepted standard in highly sustainable areas was acknowledged, Members were of the view that the site did not adequately meet the sustainability criteria. The site was not considered to be within walking distance of jobs and evidence elsewhere indicated that sustainability did not necessarily correlate with a lower level of car ownership. As such it was considered likely that an increased level of car parking for the site than that currently proposed was considered to be necessary. Concern was also expressed in relation to the lack of amenity space which would be suitable for children.

The Principal Planning Officer reiterated the discretion available within the Council's accepted standards to accept lower levels of parking provision and to provide balcony areas in place of more conventional amenity areas. He also explained the acceptability of a generally higher density of residential development in the Hythe area.

The discussion suggested that the Committee may be minded to refuse the application on grounds of insufficient parking provision, environmental disturbance and incompatibility with commercial uses issues and residential amenity, contrary to the officer's recommendation in the report. In accordance with the Committee's procedures in these circumstances, the Chairman invited the Planning Manager to indicate the significance of the associated risks should the Committee overturn the Officer's recommendation in this instance. The Planning Manager indicated that he was of the view that there were risks to such a decision and he advised that a further report to look carefully at these risks should be required for consideration by the Committee giving details of potential reasons for refusal of the application. He further advised that some of the issues, such as potential noise to future residents, may be sufficiently mitigated through design changes and it would be necessary to seek the views of Environmental Protection on supporting a refusal at appeal.

In the light of the advice that the risks associated with a refusal of the application were likely to be high, the Chairman invited the Committee to invoke the Deferral and Recommendation Overturn Procedure (DROP).

**RESOLVED** (NINE voted FOR and ONE ABSTAINED) that the Deferral and Recommendation Overturn Procedure be invoked and a further report be submitted to the Committee giving details of the possible implications of refusing the application together with potential reasons to refuse should the Committee determine to do so on grounds including lack of parking and amenity space, excessive density of development

and the potential conflict with existing commercial uses in the area.

**357      160147 Severalls Hospital, Boxted Road, Colchester**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application and listed building consent for the refurbishment of retained buildings (Larch House, Administration Building, Water Tower and part of the Echelon Building) to provide 20 residential units, car parking, landscaping and private amenity space at Severalls Hospital, Boxted Road, Colchester. The applications had been referred to the Committee because a legal agreement was proposed to link it to the outline planning approval (reference 151401) for the redevelopment of the site and its associated legal agreement. The Committee had before it a report in which all the information was set out.

Alistair Day, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. The Principal Planning Officer explained that the recommended conditions associated with any planning approval had been updated since the publication of the report to include a standard condition to provide for the agreement of arrangements for the collection of refuse, the submission and approval of elevation drawings and, in respect of the Listed building consent, a condition to safeguard and restore architectural features in the buildings.

RESOLVED (UNANIMOUSLY) that the Head of Commercial Services be authorised to approve the planning application subject to the conditions set out in the report and as revised at the meeting and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the legal agreement is not signed within six months authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for the linking of the application to the Section 106 agreement signed as a part of the outline planning application number 151401 for the redevelopment of the Severalls Hospital site.

**358      160915 Cosways Holiday Park, Fen Lane, East Mersea**

The Committee considered an application to amend the location and provide full details of a children's playground, approved by planning permission 151231 at Cosways Holiday Park, Fen Lane, East Mersea, Colchester. The application had been referred to the Committee because it had been called in by Councillor Davidson. 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 proposals upon the locality and the suitability of the proposals for the site.

Ishita Sheth, Development Management Planning Officer, presented the report and assisted the Committee in its deliberations.

John Pearce addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was representing the owners of Fen Farm Caravan Park, adjacent to the application site, where their customers were seeking an experience which was peaceful and tranquil. There had recently been an unwelcome increase in noise disturbance which had resulted in significant impact and excessive harm for their customers. Whilst the need for the play equipment was acknowledged he did not consider that the change of location was appropriate as it meant that the source of noise was concentrated in one area rather than being dispersed.

Martin Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the current owners of the Holiday Park were attempting to make it more family friendly and, as such, there appeared to be a clash of cultures with the aspirations of the neighbouring Holiday Park's owners. He was aware that the neighbouring Holiday Park did also include a play area. He confirmed that the principle of a play area had been agreed and this application was to relocate it adjacent to the clubhouse and outdoor swimming pool. An area of landscaping had already been undertaken to screen the area from the neighbouring site and he explained that concerns in relation to flooding were unlikely to be an issue as the play equipment would not be used in inclement weather conditions.

Councillor Davidson attended and, with the consent of the Chairman, addressed the Committee. He explained that East Mersea was a community known for its quiet, rural characteristics with more activity taking place at West Mersea. The owners of Fen Farm Holiday Park had not objected to the principle of the play area previously as it had been located away from the residential area of their site but the proposed relocation would lead to potential disturbance closer to the individual residential units. He acknowledged the landscape planting which had taken place and referred to the need for this to be maintained for the future. The concerns expressed by the owners of Fen Farm were supported by the Parish Council who considered that similar conditions needed to be applied to the application as those imposed on the planning permission at Coopers Beach Holiday Park.

The Development Management Planning Officer explained that the proposed location of the play equipment was unlikely to cause harm due to noise disturbance and, as such, there was no justification to impose conditions to restrict its use

Members of the Committee considered the proposal to locate the play area close to the club house to be appropriate and welcomed the landscaping work undertaken by the applicants as well as the inclusion of play equipment suitable for children with disabilities.

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

**359      161249 11 Wordsworth Road, Colchester**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for an interpretation panel mounted on a single post containing general historical information and logos, situated in Lexden Mount, a scheduled ancient monument, at 11 Wordsworth Road, Colchester. The application had been referred to the Committee because the applicant was employed by Colchester Borough Council. The Committee had before it a report in which all the information was set out.

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

**360      161253 St Botolph's Priory, Priory Street, Colchester**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for an interpretation panel mounted on a single post containing general historical information and logos, situated in St Botolph's Priory, Colchester, a scheduled ancient monument. The application had been referred to the Committee because the applicant was employed by Colchester Borough Council. The Committee had before it a report in which all the information was set out.

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

**361      161256 62 Dugard Avenue, Colchester**

**Councillor Maclean (by reason of a family member's ownership of a house opposite the application site) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for an interpretation panel mounted on a single post containing general historical information and logos, situated in Grymes Dyke, a scheduled ancient monument, at 62 Dugard Avenue, Colchester. The application had been referred to the Committee because the applicant was employed by Colchester Borough Council. The Committee had before it a report in which all the information was

set out.

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

**362 161259 GO4 Market Café, Holy Trinity Church, Trinity Street, Colchester**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for an interpretation panel mounted on churchyard railings containing general historical information and logos, tactile and braille elements also included situated near a Grade I Listed former church building, at GO4 Market Café, Holy Trinity Church, Trinity Street, Colchester. The application had been referred to the Committee because the applicant was employed by Colchester Borough Council. The Committee had before it a report in which all the information was set out.

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

**363 161366 4 Spring Lane, Wivenhoe**

**Councillor Scott (by reason of her living opposite the application site) declared an other interest pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination.**

**Councillor Oxford was not in attendance for this item.**

The Committee considered an application for a side extension to a single storey dwelling at 4 Spring lane Wivenhoe. The application had been referred to the Committee because the application had been called in by Councillor Scott. The Committee had before it a report in which all the information was set out.

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

**364 Warren Lane / Dyers Road, Stanway - Archaeological Condition**

**Councillor Oxford was not in attendance for this item.**

The Committee considered a report by the Head of Commercial Services giving details of an additional condition to be applied to planning permission number 152826 (the erection of 93 dwellings, public open space, landscaping, access and car parking) at land to the east of Warren Lane, Stanway. The condition would require the

implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, had been anticipated as a requirement by the developer and, as such, no objection had been submitted.

RESOLVED (UNANIMOUSLY) that the additional condition be approved.