

Planning Committee

Thursday, 26 May 2022

Attendees: Councillor Lyn Barton, Councillor Nigel Chapman, Councillor Helen Chuah, Councillor Michael Lilley, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Leigh Tate, Councillor Martyn Warnes
Apologies: Councillor Sam McLean, Councillor Steph Nissen
Substitutes: Councillor Richard Kirkby-Taylor (for Councillor Steph Nissen)

919 Site Visits

Councillors Barton, Lilley, Kirkby-Taylor and Tate attended a site visit in respect of application 220865 115 Butt Road, Colchester.

920 220149 Land to the South of, Veronica Walk, Colchester

Councillor Warnes (in respect of his position as a Director of Colchester Commercial Holdings Limited) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of existing garages and the construction of a terrace of three dwellings, comprising one 3-bed and two 2-bed dwellings with associated landscaping, parking and private amenity provision. The proposal would consist of 100% affordable housing, and would be owned by Colchester Borough Council and managed by Colchester Borough Homes. All dwellings would be designed to Part M Cat 2 standards. The palette of materials included red brick, buff brick, and rock panel cladding. This application had been referred to the Planning Committee because the applicant was Colchester Amphora Homes Limited on behalf of Colchester Borough Council.

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

Nadine Calder, Principal Planning Officer, presented the report to the Committee and assisted the Committee in its deliberations. The application was in relation to a garage site owned by Colchester Borough Council (the Council), and it was proposed to remove the 19 garages on the site and replace them with 3 affordable homes. An existing area of open space on the land would be safeguarded, and the site would be a modern one with solar panels fitted to the dwellings, with provided parking spaces and gardens. The site was considered to be suitable for this development, no material harm had been identified, and the application was subsequently recommended for approval.

Chelsea Gardner addressed the Committee against the application pursuant to the provisions of Meetings General Procedure Rule 8(3), on behalf of the residents of Veronica Walk and part of Blackthorn Avenue. It was felt that the plans had not taken into consideration the impact which they would have on the current residents, many of whom had lived in the area for a significant period of time. Concern was raised about the loss of the garage spaces, the impact on local parking that the addition of the properties would have, and the noise pollution and disruption to residents which would be caused by the construction of the dwellings. The lack of parking availability in the local area was considered to be a particular issue, and the assessment which had been carried out in the middle of the day in respect of parking did not reflect the true position in relation to parking issues as people would have been at work at this time. Although the need for more social housing was accepted, squeezing more houses on to this site in an already heavily residential area would serve to have a detrimental affect on local residents, many of whom had health concerns, and who relied on the parking spaces which would be lost as a result of the development. The Committee was asked to carefully consider the affect which the proposed development would have on existing residents.

Rebecca Howard addressed the Committee in support of the application pursuant to the provisions of Meetings General Procedure Rule 8(3), explaining that the scheme which was proposed contained 3 high quality, sustainable and affordable homes in the middle of Colchester which would be built to enhanced accessibility standards. The proposal would result in the loss of 19 garages, 5 of which were currently rented out to tenants. The garages were predominantly used for storage as they were unsuited to housing a modern sized car, and the tenants had been approached with an offer to find them garage space on an alternative site if they wished. A consultation event had been held in Greenstead with local residents, and it was considered that the scheme would enhance the local street scene. The scheme was in accordance with the Essex Vehicle Parking Standards and the provided parking was in excess of the Planning Policy requirements and there would be no impact on the highway infrastructure. The proposed scheme would add affordable enhancements to the area, and the Committee was invited to approve the application in line with the Officer recommendation.

With the permission of the Chair, Councillor Tim Young addressed the Committee, explaining that his comments were both on behalf of himself and Councillor Julie Young. Although the need for more affordable housing in Colchester was fully accepted, Councillor Young offered his full support to the comments which had been made by Chelsea Gardner, believing that a duty was owed to long standing tenants in the area who formed part of a vibrant community which needed to be considered. Councillor Young contended that the consultation that had been carried out by the applicant was poor, and the public meeting was not well advertised or organised and as a consequence of this was not well attended. A number of residents had contacted Council Officers with regard to the issues that had been raised, and it was not felt that satisfactory responses had been received. The Committee heard that Greenstead Ward had a high volume of Council housing, and Councillor Young did not object to more such housing, providing it was situated in the correct location. Officers were

requested to provide information on how eco-friendly the proposed scheme was, and considered that the scheme had been presented to the Committee too early, before the questions which had been posed by residents had been answered adequately. He requested that the Committee defer the application to a future meeting to afford an opportunity for questions which had been raised to be answered. Cllrs Tim and Julie Young had been in correspondence with officers in the Client Team and residents over the last five months but their concerns had not been resolved satisfactorily.

At the request of the Chair, Nadine Calder, Principal Planning Officer responded to the points which had been raised. The Committee heard that only 5 of the 19 garages on the proposed site currently had a tenant, and 14 were therefore empty. The application had been delayed in its progress to the Committee to allow for consultation to take place with the current garage tenants. Assistance was offered to all garage tenants to find alternative garage space if the site were to be developed, and only 2 of the tenants responded to the consultation confirming that one of the garages was used for storage only, and the other used for storage and parking a trailer. This meant that a maximum of three of the garages with tenants were used for parking a vehicle. Two parking surveys had been carried out in the area, one of which took place at 9.00am on a Sunday morning, when the highest volume of car parking was expected to be observed. Although the application had been made in January, an enquiry from Councillors had only been received by Planning Officers in the last week, and a response had been given to this. Residents enquiries had also been responded to, and efforts had been made to ensure that the application was as transparent as possible. With regard to the concern that the development would serve to increase anti-social behaviour in the area, it was considered that the proposed scheme would provide houses which would face onto a current area of open space, and their presence would in fact serve to reduce the likelihood of anti-social behaviour in the locality. The houses would be constructed with solar panels on the roof, and in accordance with the new energy efficiency Building Control standards, which fell outside Planning control. The Committee heard that Essex Highways had raised no objection to the application, and that although vehicles were currently parking on the garage site, they had no legal right to do so, and could be stopped from parking there at any time if the Council so wished. The only relevant parking in the area what would be affected by the proposed scheme was that contained within the garages on the site.

Committee members sought clarification on the amount of displacement of parking that the scheme would generate, and it was confirmed that there would be some displacement, although parking would still be available on site. The Committee considered that the potential loss of parking in the area was outweighed by the need for additional social housing.

A Committee member expressed disappointment at the number of solar panels which had been depicted on the plan elevations of the proposed housing, considering that more could easily be installed. The Committee heard that the design met the minimum standards which were required, and the Council did all that it could to encourage developers to be as energy efficient as possible in their proposals in compliance with

relevant

plan

policies.

RESOLVED (NINE voted FOR, ONE voted AGAINST and ONE ABSTAINED from voting) that that the application be granted for the reasons set out in the report.

921 220150 Land to the rear of, Hedge Drive Colchester

Councillor Warnes (in respect of his position as a Director of Colchester Commercial Holdings Limited) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for a proposal that included the demolition of the existing garages and the construction of two 2-bedroom semi-detached dwellings and one 2-bedroom bungalow (Cat 3) with associated landscaping, parking and private amenity provision. The proposal was to be 100% affordable and would be owned by Colchester Borough Council and managed by Colchester Borough Homes. In terms of the external appearance of the development, the scheme would comprise a pair of semi-detached properties and a detached bungalow. The palette of materials includes red brick, buff brick, and rockpanel cladding. This application had been referred to the Planning Committee because the applicant was Colchester Amphora Homes Limited on behalf of Colchester Borough Council.

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

Nadine Calder, Principal Planning Officer, presented the report to the Committee and assisted the Committee in its deliberations. The Committee were advised that this application had been deferred from a previous meeting of the Committee on 31 March 2022 in order to allow further consultation to be carried out with the current tenants of the garages, which had now occurred. Tenants of the garages had been written to, to advise them that development of the site was being considered, seeking confirmation of the use to which the garage was being put, and asking whether assistance would be required to find alternative garage space should the development go ahead. Of the 39 garages on the site, 26 were rented, and 9 responses had been received from garage tenants to the consultation, indicating that these garages were used for a mix of storage and parking purposes. The proposed scheme was well designed and compliant with all Policies and the Development Plan, and the application was subsequently recommended for approval.

Kenneth Gulling addressed the Committee against the application pursuant to the provisions of Meetings General Procedure Rule 8(3). Mr Gulling was a local resident

whose property backed onto the proposed site, and concern was expressed that the removal of garages would open up his garden and turn it into a building site. Additionally, the Committee was advised that current garage tenants were not happy about the proposals, and there were concerns that additional housing in the area would cause parking problems locally as there was insufficient local infrastructure to cope with the development. The Committee were asked to reject the application.

Rebecca Howard (Agent) addressed the Committee in support of the application pursuant to the provisions of Meetings General Procedure Rule 8(3). The Committee heard that since the application had been previously considered in March 2022, all garage tenants had been directly notified of the proposal and provided with the opportunity to make further comment. In addition to this, all adjoining neighbours had been notified of the scheme prior to the application, and no major concerns had been raised at this time. The scheme proposed 3 high quality, affordable and accessible homes which would provide a visual enhancement to the locality and a sympathetic addition to the street scene. The scheme was compliant with the Essex Vehicle Parking Standards, the distance between the proposed dwellings and neighbouring properties would ensure that there would be no loss of light to existing properties, and the overall proposal had been designed to ensure that there would be no significant impact on local residents. The scheme would provide affordable, high quality housing and the Committee were asked to approve the application.

At the request of the Chair, Nadine Calder, Principal Planning Officer responded to the points which had been raised, and clarified that once the garages had been removed, neighbouring gardens would be opened up, but a temporary fence would be put in to enclose these again, which would be replaced with a permanent fence once the buildings had been finished. It was noted that Essex Highways had raised no objection to the proposed scheme.

A Committee member voiced disappointment that consultation with the garage tenants had only been carried out at the recommendation of the Committee and noted that a large number of the garages on the site was still in use. It was considered that although more affordable housing was to be welcomed, there were other sites in Shrub End which were more suitable.

In response to questioning from the Committee, Nadine Calder confirmed that of the 26 garages that were rented, some tenants lived over 4 miles away from the site. The consultation had taken place 4 or 5 weeks ago, and as a result some objections to the scheme had been received. Garage tenants were only asked whether they still needed the garage and whether or not they would require help finding another alternative garage to use. There were Council owned garage sites which would not be developed for various reasons, and it would be possible to relocate tenants to these. When considering parking displacement, it was confirmed to the Committee that of the 26 garages that were rented, 13 were rented by people living within a mile radius of the site, 6 tenants lived between 1-2 miles from the site, 4 lived 2-3 miles from the site, and 3 lived 4 or more miles away from the site, meaning that parking

displacement would potentially only affect 13 of the garages.

A Committee member considered that the people of the area deserved to have family homes again, and though that businesses could be running from the site by people who were not local. With the correct fencing erected following construction, the development could be a desirable, peaceful place for everyone in the area, and would be far kinder to the area than the current garages. It was proposed that the application be approved.

There was some discussion around the potential loss of electric charging points which may have been in the garages, but it was confirmed to the Committee that such garages did not have their own power supply. Building Control Regulations would make provision for the availability of electric vehicle charging points, or the infrastructure to support these, and this was not a material planning consideration. It was confirmed to the Committee that the access road was wide enough to allow construction vehicles and emergency services to access the site, and the most appropriate way to deal with the security of gardens adjoining the site was through an initial temporary barrier, to be replaced by a permanent barrier once construction on the site had concluded.

RESOLVED (SIX voted FOR, TWO voted AGAINST and THREE ABSTAINED from voting) that the application be approved for the reasons set out in the report.

922 211105 Land and Building adj, Little Doves Day Nursery, Lower Road, Peldon

The Committee considered an application for planning permission for a new office building. The proposed building measured 195 sq. metres. Following submission of a revised site plan, there were 11 car parking spaces proposed, along with 4 additional car parking spaces for the adjacent nursery. This would result in 17 spaces for the nursery. In total, 28 car parking spaces were proposed for the Nursery and new office building. The application had been referred to the Planning Committee because the applicant was an elected Member.

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

RESOLVED (UNANIMOUSLY) that the application be approved subject to the recommended conditions.

923 220865 115 Butt Road, Colchester, CO3 3DL

The Committee considered an application for consent for the repositioning of the existing Wilco/FastFit sign to an alternative position on the same elevation and the addition of a billboard 6.096 metres in width and 3.048 metres in height. The application had been referred to the Committee because it had been called in by Councillor Crow, as detailed in the Officer's report.

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

John Miles, Senior Planning Officer, presented the report to the Committee and assisted the Committee in its deliberations. The Committee were advised that the application related to the retention and relocation of an existing sign, located on the south elevation of the property, and the installation of an additional 48 sheet advertisement billboard to the same elevation which would be approximately 6 metres in width and 3 metres in height. The proposed site was within the Mill Field Estate Conservation Area, and was adjacent to the Garrison Conservation Area. The proposal did not give rise to any concerns from a residential amenity perspective, but there were, however, serious concerns from a visual amenity perspective. The Mill Field Estate Conservation Area "Conservation Area Character Statement & Management Proposals" that had been formally adopted by the Council, specifically noted that the large garage buildings at the junction of Butt Road and Wickham Road are an alien feature that eroded the character of the area. The buildings were particularly conspicuous, not only because of their form and design that clashed with the predominant architecture within the Conservation Area, but also by virtue of the amount and design of the signage that exacerbated their appearance. The Management Proposals for the Mill Field Estate Conservation Area advised that signage should be small and discreet, and clarified that large plastic signs, advertisements, banners and other intrusive modern signage would be resisted by the Council. For these reasons, it was considered that the proposal would result in unjustified harm to the visual amenity of the area, as well as the character and appearance of the Conservation Areas. The proposal therefore failed to accord with relevant national and local policy, including the Management Proposals for the Conservation Area which aimed to protect its character and significance. In addition to this the proposal is held to fail to meet the statutory tests for the preservation or enhancement of the Conservation Areas. Additionally, concerns had been raised by the Colchester Civic Society and the Council's own Historic Buildings and Areas Officer. The application was therefore recommended for refusal.

Mike Yexley addressed the Committee against the application pursuant to the provisions of Meetings General Procedure Rule 8(3). Mr Yexley was the Managing Director of a Colchester based company – UK Media Group, and was speaking on behalf of the applicant. He considered that the site at 115 Butt Road was a garage forecourt that would be well known to Council members as a blot on Colchester's street scene. Conservation Area constraints still allowed for an area to evolve without necessarily preventing change by working with building owners to encourage the repair and maintenance of their property without loss or damage to the property or its

surroundings. The application was not for a new feature, but was in fact related to the replacement and betterment of a feature that had been present for many years at the site. Sizable adverts had been placed at the location since the 1960's, which were as large as the poster currently being proposed. The attention of the Committee was drawn to a digital billboard on Harwich Road which had recently received planning permission, and it was urged to take a consistent approach to such advertising by granting this application. The proposed billboard would generate significant income for the Council via the business rates which would be payable on it, and the uplift and renovation of the immediate area would be an additional benefit. The proposed billboard would be of modern design, not illuminated and would be for the benefit of advertising local Colchester businesses, and the Committee was urged to grant the application.

At the request of the Chair, John Miles, Senior Planning Officer responded to the points which had been raised. Of the examples of similar signs which had been approved in the past which had been cited in support of the application, the only sign which was also in a conservation area was situated at the corner of East Street and the Ipswich Road, and this was a hand painted sign in keeping with the character of the area. In contrast, the proposed sign that had been applied for was modern in character and would be a dominate addition not in keeping with the locality. Although there would be some financial benefits to the application being successful, it was not considered that this would outweigh the harm that it would cause to the conservation area that had been identified.

Members of the Committee member noted that residents in a conservation area were restricted in the changes that could be made to their properties, and considered that the proposed billboard would be an unwelcome and overpowering addition to the conservation area.

RESOLVED (NINE voted FOR, ONE voted AGAINST and ONE ABSTAINED from voting) that the application be rejected for the reasons set out in the report.