

## **PLANNING COMMITTEE**

### **21 SEPTEMBER 2006**

*Present:-* Councillor Chillingworth\* (Chairman)  
Councillors Adams, Elliott\*, Ellis\*, Fuller\*, Hall, Higgins,  
Hunt and Lewis.

*Substitute Members:-* Councillor Cook\* for Councillor Blandon  
Councillor J. Young for Councillor Raison

(\* Committee members who undertook the formal site visit)

Councillor J. Young was present for items 143 and 148 only.

#### **143. Minutes**

The minutes of the meetings held on 7 September 2006 were confirmed as a correct record.

**Councillor Ellis (in respect of his knowledge of the applicant) declared his personal interest in the following item which was also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(4) and left the meeting during its consideration and determination.**

#### **144. F/COL/06/1283 & LB/COL/06/1284 Building Lec 11, Former Le Cateau Barracks, Colchester Garrison, Circular Road North, Colchester**

The Committee considered applications for planning permission and listed building consent for the conversion of the existing riding school into retail/commercial units (A1 use). The Committee had before it a report in which all information was set out. The application proposed works to the interior of the building to subdivide the single volume space into 4/5 units by the means of glazed screens. The existing openings would be retained and reused. Two new openings were proposed on the long elevations. On the north west elevation it was proposed to insert a pair of central doors to provide access from the car park and a means of escape. The two doors on the south east elevation were to provide a means of escape.

The original legal agreement required the provision of one Neighbourhood Equipped Play Area (NEAP), one 11 Plus Play Area and two Locally Equipped Play Areas (LEAPS) on the Le Cateau and Cavalry barracks site. A request had been made as part of reserved matters planning to relocate the NEAP and the 11 Plus Play Area from the barrack site to Abbey Field. It was therefore proposed to vary the legal agreement to secure the provision of the NEAP and 11 Plus Play Area on Abbey Field.

*RESOLVED* that:-

(a) In relation to application F/COL/06/1883 the application be deferred and the applicant

advised that the Council was minded to grant planning permission with conditions subject to a deed of variation to the existing legal agreement was first entered into to secure the provision of the NEAP and 11 Plus playground on Abbey Field. On the signing of the Agreement the Head of Planning, Protection and Licensing be authorised to grant planning permission with appropriately worded conditions to cover the matters set out in the report.

(b) In relation to application LB/COL/06/1283 listed building consent be granted with conditions to cover the matters set out in the report.

**Councillor Ellis (in respect of his knowledge of the applicant) declared his personal interest in the following item which was also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(4) and left the meeting during its consideration and determination.**

**145. F/COL/06/1281 & F/COL/06/1282 Building Lec 08 and Building Lec 09, Former Le Cateau Barracks, Colchester Garrison, Circular Road North, Colchester**

The Committee considered an application for the conversion of the existing canteen and sergeant's mess into five two bedroom apartments and the conversion of the existing adult school into two two bedroom apartments. The Committee had before it a report in which all information was set out.

In relation to application F/COL/06/1281 it was proposed to create five two bedroom apartments. The application proposed the replacement of the flat floor porch on the south west elevation with a more sympathetic porch and the remodelling of the courtyard to the north east elevation. Internal works included the remodelling of the existing hall by removing the later stair and reinstating the a new staircase under the central lantern. Two of the units would have a private courtyard garden. All units would also have access to a communal garden area between this building and the Adult School. All units would have parking and cycle storage.

In relation to application F/COL/06/1282 it was proposed to convert and alter the Adult School to create two two bedroom apartments. The proposed conversion works involved minimal alterations to the exterior of the building with internal partitions arranged around existing openings. Existing historic features such as sash windows were to be retained and repaired. The modern lean to additions would be replaced with two hipped roof extensions. Both apartments would have dedicated private garden areas and allocated parking.

The original legal agreement required the provision of one Neighbourhood Equipped Play Area (NEAP), one 11 Plus Play Area and two Locally Equipped Play Areas (LEAPS) on the Le Cateau and Cavalry barracks site. A request had been made as part of reserved matters planning to relocate the NEAP and the 11 Plus Play Area from the barrack site to Abbey Field. It was therefore proposed to vary the legal agreement to secure the provision of the NEAP and 11 Plus Play Area on Abbey Field.

*RESOLVED* that the applications be deferred and applicant be advised that the Council was minded to grant planning permission with conditions subject to prior completion of a deed of variation to the existing legal agreement to secure the provision of the NEAP and 11 Plus Play area on Abbey Field. On the signing of such an agreement the Head of Planning, Protection

and Licensing authorised to grant planning permission with appropriately conditions to cover the matters set out in the report.

**146. F/COL/06/1273 20 Station Road, Tiptree, Colchester, Essex**

Application withdrawn in advance of the meeting by the Head of Planning, Protection and Licensing.

**147. C/COL/06/1342 Private Yard opposite 18-22 Vineyard Street, Colchester, Essex**

The Committee considered an application for the change of use of a vacant piece of ground from private yard to public car park. The Committee had before it a report in which all information was set out. The site had been used for car parking in the past, but there was no record of permission being granted. It was proposed that the car park be used by members of the public and be staffed by an assistant. As the site was part of the St Botolph's Regeneration Area and would ultimately be subject of a comprehensive redevelopment, a temporary permission of three years was recommended.

The Committee expressed concern about the highways implications of the proposal. Use of the site as a public car park would increase the traffic using Vineyard Street, which was narrow. Whilst noting the terms of condition 2, the Committee were uncertain as to whether the sightlines could be adequately improved to allow safe access and egress to Vineyard Street by the increased traffic levels. However it was noted that the Highways Authority did not raise an objection to the application and therefore a refusal on highway grounds would be difficult to sustain. The Committee considered that use as a private (possibly for local residents) or disabled car park, which would generate less traffic, would be a more suitable use. It requested that further negotiations with the applicant be undertaken to secure a more suitable use or an access via Vineyard Street car park only.

*RESOLVED* that the application be deferred for further negotiations with the applicant in relation to use of land for the purpose of a private parking area or disabled parking area or alternatively to consider access from Vineyard Street car park only.

**Councillor T. Higgins, Councillor J. Young and Councillor Bourne (in respect of their membership of Essex County Council) declared their personal interests in the following item pursuant to the provisions of Meetings General Procedure Rule 7(2).**

**148. M/COL/06/1401 Land at Middlewick Ranges, Mersea Road, Colchester, Essex**

The Committee considered an application for the erection of a recycling plant for inert materials and ancillary development on which it had been invited to comment by Essex County Council, who would be the determining authority. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet. The application sought to relocate an existing recycling plant and ancillary operations that were currently located at Circular Road South on the Garrison development to this site. The plant recycled waste materials from the garrison development to produce an aggregate

product, although it was anticipated that the facility would also recycle other waste that may arise in the locality. The anticipated throughput of the plant would be 100 000 tonnes per annum, which would generate approximately 100 vehicle movements per day. The application was for a temporary permission for period of ten years after which it would be reinstated to existing levels and returned to grassland. It would then be subject to a five year aftercare scheme.

The plant would be located in the centre of the site and would be surrounded by a grass bund which would be 3.5 metres high on all boundaries except to the south where it would be 2 metres. An area would be retained around the perimeter for informal access and once the development was complete alternative routes would replace those footpaths that crossed the site. The majority of the site would be 6-7 metres high, the water storage tanks and filter press would be 12 metres high. Whilst the surface of the operations area would be lowered by 2-3 metres to reduce views of activities over the bund, plant would still be visible. The proposed hours of operation were 7.00 -18.00 hours Monday-Friday and 07.00 -13.00 hours on Saturday. No operations would take place on Sunday.

The site would be accessed via the existing access to the Middlewick Ranges and an internal road would be constructed leading north to the recycling area.

The Committee made a site visit in advance of the meeting in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

The Committee received a petition from Councillor Blandon and Councillor T. Sutton containing signatures of local residents objecting to the application in accordance with the provisions of Planning Committee Procedure Rule 8(7).

Ken Warne addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposal. He expressed concern that the application would lead to the loss of an oasis of green land. The roads in the vicinity were already very heavily congested and would not be able to cope with additional lorry traffic bringing waste from all over the south east. The increase in traffic would lead to increased noise and pollution. The application was being brought forward for the commercial benefit of the applicant.

Lisa Clarke addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposal. Whilst she agreed with the principle of recycling, this was located in the wrong place. The bund would not fully mitigate against the detrimental visual impact of the scheme. Dust and dirt from the process and from the traffic would force local residents to close their windows. The proposed entrance was unsafe as it was on a bend. Health and safety issues were raised by locating the plant so close to a live firing range.

The Reverend Tony Rose addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposal. He argued that the proposal was contrary to Essex County Council policies on waste management and conservation. Nearby housing on Abbotts Road were two storey flats. Views from their living rooms would not be mitigated from the bunds. The applicants would be unable to control dust generated by the plant and transport, and this would exacerbate medical conditions such as asthma. Contrary to what the applicants stated, trees would need to be felled to create the access.

Richard Cockerton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposal. He stressed the industrial nature of the proposal and that it was brought forward for commercial reasons. The Council should consider its duty of care to residents, especially children, who used the site. If this site was developed it would force residents to use parts of the area closer to the rifle ranges. He also expressed concern about the security of the site when it was not operating.

Colin Mudie addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposal. He expressed concern about the increase in heavy goods traffic on the Mersea Road that would result if the application was granted. These would generate dust and noise and would be a risk to pedestrians.

Jill Carter addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposal. She argued that the development would be a catastrophe for the area. If the area was lost to development it would not be regained. The number of people who used the area for various recreational purposes should not be underestimated.

The following Councillors attended and addressed the Committee in opposition to the application:

Councillor Blandon endorsed the recommendation made by officers. She echoed the comments made by local residents about noise and light pollution, the effects of dust created by the development and the impact of the increased heavy goods traffic. The application was contrary to both the Borough Council Local Plan and Essex County Council Structure Plan. The application would seriously affect the quality of life of local residents.

Councillor Knight argued that there were a number of material planning considerations on which the Council could recommend refusal of the application such as being contrary to the Local Plan. The Committee should take account of the views of local residents and recommend that the application be refused.

Councillor T. Sutton explained that the County Council could refuse the application under delegated powers and the Committee should request that this be done. He explained that he had met with the Garrison and the Ministry of Defence to clarify the land ownership issues. The Garrison and the Ministry of Defence estates operation were entirely separate. The Ministry of Defence rather than the Garrison owned the land. The Garrison's view was that the development would not impact on their operations in the area. Even if the application was granted the Ministry of Defence was not obliged to transfer the land to the applicant. The Committee should endorse the officer's recommendation.

Councillor Harris explained that the strength of feeling locally against the application was demonstrated by the high turnout at the Committee and on the march preceding it. The development was not in keeping with surrounding areas. It did not comply with several County Council strategies and plans. He reiterated concerns already expressed about increased traffic, poor mitigation of visual impact and health effects on elderly residents. Whilst he supported the principle of recycling this was the wrong location.

Councillor Bourne argued that the application was contrary to both Borough and Essex County planning policies. The only reasons these policies could be over-ridden would be if the

application could be demonstrated to be in the public interest. However, there were no public interest arguments in favour of the application, which was about generating profits for the developer. The Committee should support the officer recommendation.

Councillor Fisher asked the Committee to take account of all residents comments, but particularly those of Lisa Clarke. The proposed entrance would be opposite an existing junction with Queen Elizabeth Way which would be detrimental to highway safety.

The Chairman thanked the public speakers and visiting Councillors for their contributions.

In discussion the Committee expressed support for the principle of recycling but considered that the application raised a number of very serious concerns. Of particular concern to the Committee were the increase in heavy goods vehicle traffic on already congested roads, the loss of a valuable amenity site, the loss of visual amenity and the fact the application was contrary to the Local Plan. The Committee expressed surprise that no highways objection had been received. The Committee fully supported the recommendation set out in the report. The Committee considered the report set out the concerns in a clear and concise way and that it should be forwarded to Essex County Council with the Council's response to the consultation. In addition it requested that the response to Essex County Council be strengthened to state that the Council "strongly objects" to the application.

*RESOLVED* that:-

- (a) The Development Control Manager, Essex County Council, be advised that Colchester Borough Council strongly objects to the provision of this recycling plant. Such a proposal would be contrary to Policy MIN8 of the Structure Plan and Policies DC1(a), (c), P1, CO4 and CO5 of the Adopted Local Plan;
- (b) The Committee also considered traffic impact in reaching its decision and requested that the Highways Authority reconsider its recommendation in respect of this application;
- (c) The Committee report be forwarded to Essex County Council.

#### **149. F/COL/06/0511 Land adjoining McDonalds, Tollgate Retail Park, Tollgate West, Stanway, Colchester**

The Committee considered an application for the erection of a drive through restaurant with an access onto Tollgate West with disabled parking bays and extra landscaping. The Committee had before it a report in which all information was set out.

The Committee made a site visit in advance of the meeting in order to assess the suitability of the proposal for the site.

Jonathan Pest addressed the Committee on behalf of the applicant pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The applicant was the landlord of the retail park. There was a demand for such uses in the area. The car parking spaces that would be required were not used and the proposal accorded with government policy on reducing land given over to car parking. It would have no impact on the town centre and the application accorded with policy TCS11 of the Local Plan. It would have no impact on residential amenity. A traffic impact assessment had been submitted. Whilst the applicants had submitted a good quality design they were happy to accept a condition to amend it.

Whilst the Committee considered that the application accorded with policy they were concerned about the proposed design of the building which was considered bland and out of character with the surrounding area. The Committee considered that that the application should be deferred for further negotiations on the design of the building and asked that the application be referred back to Committee upon completion of the negotiations.

*RESOLVED* that the application be deferred for further negotiations on the design of the building and that the application be referred back to Committee upon completion of the applications (ONE ABSTAINED from voting).

**Councillor Lewis (in respect of her personal acquaintance with the applicant) declared her personal interest in the following item which was also a prejudicial interest pursuant to the provisions Meetings General Procedure Rule 7(4) and left the meeting during its consideration and determination.**

**150. F/COL/06/1165 & CA/COL/06/1121 16 Spurgeon Street, Colchester, Essex CO1 2NS**

The Committee considered an application for planning permission for the demolition of a bungalow and replacement of two town houses and conservation area consent for the proposed demolition of an existing bungalow and replacement with two town houses. The Committee had before it a report in which all information was set out. The application proposed a two and a half storey building on the site providing two three bedroom flats. The units would be separated vertically with own staircases and front doors. One parking space per dwelling would be provided in the rear garden accessed through an opening under the building on the east side of the site.

Mr Bunn, on behalf of the Hythe Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposal. He argued that the application did not vary significantly to that refused in November 2005. The reasons for refusal for the previous application applied equally to this application. It breached policies UEA2 and UEA3 in that it was contrary to the character and context of the street. It was out of proportion with surrounding dwellings. The existing dwelling was perfectly serviceable but had been run down. The application breached every part of UEA13 and lead to a terracing effect.

Mr Tyrell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He argued that that this was a difficult, small brownfield site. Spurgeon Street was characterised by a mix of properties. The previous application had been refused on grounds of parking and he had liaised with officers to bring forward a proposal that incorporated off street parking to standard. The existing bungalow was of no architectural merit and was neglected. The materials reflected the character of the area and the design complied with the Essex Design Guide. The development would not be detrimental to the conservation area.

In discussion the Committee expressed concern about a number of elements of the scheme. It considered that the development did not make a positive contribution to the conservation area. It was an overdevelopment of the site which give the site a cramped and overdeveloped look. It would be more appropriate to replace the bungalow with one building. Keeping the gap between dwellings would help maintain the character of the street. The Committee were

concerned about the height and design of the development, particularly in relation to 17 Spurgeon Street. The Committee considered that the design would be improved by lowering the height of the development adjacent to 17 Spurgeon which was overlooked and dominated by the proposed development. The Committee considered that the application should be refused on these grounds and asked that specialist design advice should be sought on any resubmission.

*RESOLVED* that the applications be refused for reasons of overdevelopment and inappropriate design in a conservation area (ONE ABSTAINED from voting).

**Councillor Chillingworth (in respect of his position as Chairman of the Essex branch of the Council for the Protection of Rural England) and Councillor T. Higgins (in respect of her membership of Essex County Council) declared their personal interests in the following item pursuant to the provisions of Meetings General Procedure Rule 7(2).**

- 151. A/COL/06/1002, A/COL/06/1003, A/COL/06/1004, A/COL/06/1005,  
A/COL/06/1006, A/COL/06/1010, A/COL/06/1011, A/COL/06/1012,  
A/COL/06/1013, A/COL/06/1014, A/COL/06/1015, A/COL/06/1016,  
A/COL/06/1017, A/COL/06/1018, A/COL/06/1019, A/COL/06/1020,  
A/COL/06/1021, A/COL/06/1022, A/COL/06/1023, A/COL/06/1024,  
A/COL/06/1025, A/COL/06/1026, A/COL/06/1027, A/COL/06/1028,  
A/COL/06/1029, A/COL/06/1030, A/COL/06/1031 A/COL/06/1032  
A/COL/06/1033, A/COL/06/1034 Roundabout advertisement applications**

The Committee considered applications for advertisement consent for the provision of signage on roundabouts within Colchester. The Committee had before it a report in which all information was set out together with additional comments on Amendment Sheet 1. The proposed signs would be constructed in black aluminium. They would be approximately 1 metre high and 1.2 metres wide, although for the dimensions would be reduced for some smaller roundabouts. They would bear the crests of both Colchester Borough Council and Essex County Council and the name of the roundabout. These details would form a frame in which a sponsors name would be inserted. There would be three to five on each roundabout.

*RESOLVED* that the applications be approved with conditions as set out in the report (see also Amendment Sheet 1).

- 152. Removal of Trees to Facilitate Highway Improvement Works // Application O/COL/01/0009 - A new Urban Village comprising residential development (up to approximately 2600 dwellings) mixed uses including retail, leisure and employment, public open space, community facilities, landscaping new highways, transport improvements and associated and ancillary development in accordance with and subject to the provisions of the master plan drawing reference 98.018/42**

The Committee considered a report from the Head of Planning, Protection and Licensing seeking members' endorsement for the removal of trees to facilitate highways improvement works that were required by the legal agreement that was signed as part of the outline planning permission O/COL/01/0009.

*RESOLVED* that the application be deferred for the further information about which trees were affected by the proposal.

**153. Enforcement Action** \ 7 Grove Avenue, West Mersea

The Committee considered a report from the Head of Planning, Protection and Licensing advising members of a Breach of Condition Notice that had been served in respect of the use of an extension for business purposes contrary to conditions imposed on the planning permission.

*RESOLVED* that the report be noted.