

# Planning Committee

Thursday, 25 June 2015

**Attendees:** Councillor Peter Chillingworth (Group Spokesperson), Councillor Jackie Maclean (Member), Councillor Helen Chuah (Member), Councillor Jon Manning (Chairman), Councillor Laura Sykes (Group Spokesperson), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jessica Scott-Boutell (Deputy Chairman), Councillor Rosalind Scott (Group Spokesperson), Councillor Jo Hayes (Member)

**Substitutes:** Councillor Christopher Arnold (for Councillor Patricia Moore)

## 174 Site Visits

The following members attended the formal site visit: Councillors Chillingworth, Chuah, Hayes, Hazell, Jarvis, Maclean, Manning, Scott, Scott-Boutell and Sykes.

## 175 Minutes of 11 June 2015

The minutes of the meeting held on 11 June 2015 were confirmed as a correct record.

## 176 150115 Garage Site 1, Monkwick Avenue, Colchester

The Committee considered an application for the variation of condition 2 (Approved Plans) and condition 8 (Landscape) of planning permission 131967. The application had been referred to the Committee because Colchester Borough Council was the applicant and because the application was a major application to which an objection had been received.

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

*RESOLVED (UNANIMOUSLY)* that the application be approved subject to the variation of condition 2 and condition 8 to reflect the new drawing numbers submitted, as set out in the report by the Head of Professional Services.

## 177 150809 St Johns C of E Primary School, Clay Lane Grove, Colchester

The Committee considered an application for the variation of conditions 3 and 4 of planning permission 090126 to allow 30 pupils to use the building and to allow opening of the building from 0745 to 1800 hours Monday to Friday during term time. The

application had been referred to the Committee because it had been called in by Councillor Paul Smith.

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.

Nadine Calder, Planning Officer, presented the report and attended to assist the Committee in its deliberations.

Francis Wright addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that the application was disingenuous in terms of the property, opening times and numbers of children and that the previous concerns that had been expressed by residents had been validated by the application. Parking problems, noise and pollution from the site would increase. There was insufficient parking on site even for the nursery workers. Therefore parents parked in Clay Lane Grove or stood in the road near the gates, causing inconvenience to residents and a highway safety issue. The site was used in excess of the allowed capacity suggesting this was a retrospective application. There was already considerable noise disturbance from the site, such as shouting, crying and banging. Increased numbers would only increase the noise levels. Earlier starting times would conflict with residents' resting time and right to quiet enjoyment. There were direct views to and from his property into the building and it was possible to see into his front room from the ground floor of the building. The site was so close that he could hear names and addresses of users of the site. A petition against the application had been submitted together with a letter of support for the views of residents from Sir Bob Russell.

The Planning Officer explained that the application was not retrospective. Whilst the site had been used in contravention of the planning permission, the applicant had changed practice and was no longer breaching the conditions. The proposed variation in the conditions would not increase the numbers of journeys to the site. The petition referred to related to a previous application. Whilst it was possible to see into the neighbour's front room from the road, it was not possible to do so from the building.

Members of the Committee expressed their support for the application. There was a clear need for this type of provision. Members felt that the applicant had made a number of compromises to accommodate concerns of residents. The application should not lead to an increase in traffic, and might slightly improve the parking issue by spreading the times at which children were dropped off. The request for an additional 15 minutes opening was considered to be reasonable. In terms of overlooking, the view from the neighbours property to the site was somewhat blocked by the shed. It was appreciated that this would not screen noise, but the numbers of children using the outdoor areas was not proposed to increase. There was no sustainable reason to refuse the

application. One member queried whether condition 3 was practical or necessary. The Planning Officer explained that the condition only related to the windows in the northern elevation of the building to mitigate noise, and that it would be possible for other windows to be opened for ventilation purposes.

The Committee noted that a one year temporary permission was proposed which would give an opportunity to assess the impact of the operation of the revised permission. The Committee indicated that it would be content to delegate the approval of the permission after one year to officers, unless there was overwhelming evidence of impact on the neighbouring property.

In response to a question from a member of the Committee it was confirmed that the increase to the public good through the provision of free school meals to children was not a material planning consideration and should not be taken into account by members in reaching their decision on this application.

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

**178      150746 Stanway Rectory, Church Lane, Stanway**

**Councillor J. Maclean (by reason of the applicant being a family member) declared a pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.**

The Committee considered an application for the demolition of the existing detached single garage and attached single storey utility room and the erection of single storey and two storey extensions. The application was referred to the Committee because the applicant was related to a member of 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 and informatives set out in the report.

**179      Changes to the Scheme of Delegation**

The Committee considered a report from the Head of Professional Services proposing a change to the Scheme of Delegation to Officers to divide one category of delegated powers into two separate categories. The Committee had before it a report in which all information was set out. Andrew Tyrrell, Planning Manager, attended to present the report and assist the Committee.

*RESOLVED (UNANIMOUSLY)* that the Scheme of Delegation be amended as set out in paragraphs 5.1 and 5.2 of the Head of Professional Services report.