

**PLANNING COMMITTEE**  
**7 AUGUST 2008**

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillors Nigel Chapman\*, Peter Chillingworth\*,  
Helen Chuah\*, Mark Cory\*, John Elliott\*, Stephen Ford\*,  
Wyn Foster\*, Chris Hall\*, Sonia Lewis\* and Nigel Offen\*

*Substitute Member :-* Councillor Peter Higgins for Councillor Mary Blandon

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

**91. Minutes**

The minutes of the meeting held on 24 July 2008 were confirmed as a correct record subject to the inclusion of Cllr Lewis' declaration of interest on minute 88 as follows:-

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

**92. 081070 Tey Gardens Nursery, Church Lane, Little Tey, Colchester, CO6 1HX**

The Committee considered an application for the demolition of existing glasshouses and change of use from commercial horticultural nursery to storage of hard landscaping materials, formation of area of hardstanding, provision of balancing pond, provision of staff car park and associated landscape planting revisions to planning permission 073133. A late amendment to this earlier approval was the provision of a balancing pond within the south-east corner of the site, which was a requirement of the Environment Agency. This application was a resubmission of the earlier application, but with the balancing pond moved to a position to the north-east of the main storage area, with the alternative position of the balancing pond, the south-east corner of the site was now shown as part of the storage area for hard landscaping products. The Committee had before it a report in which all information was set out.

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

**93. 081100 West End Cottage, High Street, Dedham, CO7 6HJ**

The Committee considered an application for the construction of two 2 bedroom terraced houses and one 1 bedroom flat above a workshop, to replace an existing two bedroom cottage with an adjacent workshop. The Committee had before it a report in which all information was set out together with further information 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Davison addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The application did not conform with the Local Plan, the Essex Design Guide or the Dedham Design Statement. It would cause a loss of late afternoon sunlight to Wordley Cottage. The Essex Design Guide stressed the importance of amenity and sitting out areas; the provision of amenity space in this proposal was completely inadequate. It also did not comply with the distance guidelines in the Essex Design Guide and the proposal would impact on the privacy of Wordley Cottage. An historic skyline would be lost and parking problems would be exacerbated.

Mr Sedgely addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The scheme, which had been developed in consultation with officers, would improve the setting of the street and create a useful workshop. No problems of overlooking or overshadowing would arise. Roof heights and sky line had been designed to improve the setting of the adjacent "White House". Parking issues had been resolved and the access moved away from the bend. There was local support for the scheme.

It was explained that, following further consideration by the officers, condition 7 on the amendment sheet should not be imposed, given the impact such a sight splay would have on the design of the building.

Members of the Committee discussed the concerns expressed about loss of light to Wordley Cottage and whether the provision of a hipped roof on the development would improve matters, but it was explained that this would not be an appropriate roof form in this street scene. There was general support for the scheme which the Committee considered would enhance the street scene.

*RESOLVED* that the application be approved with conditions and informatives as set out in the report and on the amendment sheet with the exception of condition 7 on the amendment sheet.

#### **94. 081208 261 Straight Road, Colchester, CO3 9EQ**

The Committee considered an application for a new separate vehicular access off Dugard Avenue to serve no. 261 Straight Road. The Committee had before it a report in which all information was set out.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Gittins, agent for the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. No objections to the application had been received during the consultation period. The proposal would not result in a reduction in the overall amenity area of the two properties. The new entrance would be some distance from the Dugard Avenue/Straight Road junction, and although there was a bus stop between the proposed entrance and the junction, the services using the stop were infrequent and did not operate at peak times. Traffic speeds in the area were low. The Highways Authority had raised no objection to the application.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee on behalf of residents of Dugard Avenue. The proposal would create a new exit very close to a busy junction. It would be in close proximity to traffic islands used by pedestrians to cross Dugard Avenue and would be approximately two metres from a bus stop, so visibility would be blocked when buses were using the stop. There was nothing to prevent more than one car using the exit which would mean cars would not be able to turn and would therefore reverse out of the entrance. The proposal would generate more congestion and increase the risk of accidents and should therefore be refused.

It was explained that parking area would be large enough for two cars to park and still be able to turn and exit in forward gear.

Members of the Committee expressed concern about the increased risk to highway safety by the creation of a new access at this point. However it was noted that a number of properties on opposite sides of the road had accesses directly onto Dugard Avenue and that traffic speeds were low. The Committee also noted that the Highways Authority had not raised any objection and therefore it would be difficult to justify any refusal on highway safety grounds.

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

**95. 072956 East Street, Wivenhoe, CO7 9BW**

This application was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services at the request of English Heritage.

**96. 081003 Coast Road, West Mersea**

The Committee considered a retrospective application for a bund of granite stone to be built along the western side of Packing Shed Island to protect the island and the shed from further erosion. The Committee had before it a report in which all information was set out.

*RESOLVED* that the application be approved.

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

**97. 081154 13 Park Road, Colchester, CO3 3UL**

The Committee considered an application for a single storey extension providing an additional bedroom and a change of use of the property from a residential home to a nursing home for people with physical or mental difficulties. This application was a resubmission of 080777. The Committee had before it a report in which all information was set out together with further information on the amendment sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Dodgson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He expressed concern that the proposal would exacerbate existing noise disturbance issues. The home generated considerable noise, such as the playing of radios, games and activities in the garden and shouting by staff. One patient in particular made considerable noise as a result of their medical condition. The noise generated by the use impacted on the amenity of local residents, who had complained a number of times. One particular problem was the noise from the laundry, located only 3 metres from a neighbour's dining room. He did not believe that the home was well managed.

Mr Brain addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application was for an extension to provide an additional bedroom. The extra space that would result from the extension would improve the amenity of the residents, but the additional bedroom meant that that the class of the home would need to change. Whilst he noted the issues raised by neighbours, these were social rather than planning issues and many of these problems could arise from a family home. One additional room should not generate additional noise. However, he would look at what could be done to reduce noise from the laundry and also look at management strategies to reduce noise from the home.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. The application lacked clarity and transparency. It was not clear what the home's client base was or what the future plans for the home were. The proposal did not conform with policy H2 in that it did not provide for "harmonious integration" with surrounding development.

Members of the Committee expressed a number of concerns about the existing use of the site which could be exacerbated if the application were approved. Concern was expressed about the noise issues raised by neighbours, about the apparent lack

of stimulation for the residents of the home and whether there was sufficient amenity space for the number of residents. Also given the security fence, it could not be argued there was easy access to local facilities. Members also explored the issue of potential conflict with policy H2.

It was explained that this element of policy H2 was aimed at issues of design and appearance, rather than amenity issues arising from the use. In addition the client base of the home was clarified. Whilst the existing residents were between the ages of 30 and 60, a new resident could be of any age between 18 and 65.

Members of the Committee noted that a number of the issues raised were not material planning considerations and that there were no grounds in planning terms for the application to be refused. However, the Committee asked that an additional condition be imposed requiring the submission of a scheme for the sound proofing of the laundry and a note be sent to the applicant asking them to look at the management of the home particularly in regard to noise issues and the lack of facilities and stimulation to the residents.

*RESOLVED* that the application be approved with conditions and informatives as set out in the report together with an additional condition requiring the submission of a scheme for the sound proofing of the laundry and a note to be sent to the applicant asking them to look at the management of the home particularly in regard to noise issues and the lack of facilities and stimulation to the residents.

**Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor John Elliott, Councillor Wyn Foster and Councillor Sonia Lewis (in respect of their acquaintances with the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**98. 081237 Brickhouse Farm, Lower Road, Peldon**

The Committee considered a listed building application for internal and external alterations to this Grade II listed building. The Committee had before it a report in which all information was set out.

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

**Councillor Nigel Chapman (in respect of his support for the scheme in his former role as Portfolio Holder for Customer Services and Sustainability in the previous municipal year) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.**

## **99. 081291 The Cemetery, Mersea Road, Colchester**

The Committee considered an application for a change of use from a non-conformist chapel to a florists. The Committee had before it a report in which all information was set out together with further information on the amendment sheet.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. Whilst he supported the application he asked that the Committee help ensure that delivery lorries should be driven in a respectful manner, given the sensitive nature of the location. Whilst a one way system operated informally on the site, it was still possible for vehicles to enter the cemetery adjacent to Dudley Close. He asked the Committee to support efforts to create separate access and egress arrangements for the cemetery. Whilst he appreciated these were not matters that could be enforced by condition, the Committee's support on these matters would be very welcome.

Members of the Committee supported the proposal and also endorsed the suggestions made by Councillor Harris.

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

- The officer to write to the Cemetery Manager (copied to the Portfolio Holder) requesting that serious consideration be given to the creation of separate access and egress arrangements in order to avoid potential conflict between florist delivery vehicles and other vehicles;
- A note be added to the decision notice, advising the applicant that all delivery vehicles should be driven in a respectful manner, given the sensitive nature of the location.

## **100. Amendment Sheet**