

PLANNING COMMITTEE

15 MAY 2008

Present :- Councillor Ray Gamble* (Chairman)
Councillors Mary Blandon*, Nigel Chapman*,
Peter Chillingworth*, John Elliott*, Wyn Foster*,
Chris Hall, Sonia Lewis* and Nigel Offen*

Substitute Members :- Councillor Nick Barlow for Councillor Helen Chuah*
Councillor Peter Higgins for Councillor Mark Cory
Councillor Michael Lilley for Councillor Stephen Ford

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

3. Minutes

The minutes of the meeting held on 24 April 2008 were confirmed as a correct record.

4. 080005 Land at Tile House Farm, Hayland Road, Great Horkesley

The Committee considered an application for amendments to application F/COL/05/1807 involving layout and house type alterations. The Committee had before it a report in which all information was set out with further information on the Amendment Sheet.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Parish Councillor Knight addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He requested that the Committee impose a condition on the offer for a formal open space which would be a benefit to the village. The Parish Council wanted a condition to be imposed so that access to the landscape area to the south west was via a public footpath.

Councillor Arnold attended and, with the consent of the Chairman, addressed the Committee. The addition of the four acres of land accessible to the public was an adequate recompense for the increase in the number of houses. He was concerned about the form of the access and considered it should be a Public Right Of Way in perpetuity and linked to the village network. He also referred to a comment in the report regarding an existing hedgerow round the church; there had never been a hedgerow at that point and he asked for confirmation that it was on the northern part of the site. Apart from that he agreed with the recommendation and wanted to see the work started.

Members of the Committee supported the request for a Public Right of Way link to the public open space and there was a request for trees to be provided within the residential layout as much as possible. There was some unease about the social

housing not being pepper potted.

It was explained that the applicants were willing to provide access into the west of the site. The area would be landscaped to provide a screen and to stop views of the development from the open countryside to the west. The Planning Authority wanted a formalised path rather than a permissive path. The area landscape scheme included a hedge to be planted alongside the Church. Trees would be planted to screen the blocks and at focal points along the lane and within open space. The affordable housing was provided in one cluster of twelve units which face in different directions and two blocks each of four units, some facing on to the main road some facing on to the school. There was a proposed Informative on the amendment sheet in respect of footpath alignment and form, but there was no mention of function and this would need to be incorporated to formalise the function.

RESOLVED that –

(a) Consideration of the application be deferred for a Deed of Variation to the existing legal agreement to provide for the following:

additional affordable housing units

an additional educational contribution based on additional 11 residential units (subject to the implementation of 073042).

(b) Upon receipt of a satisfactory Deed of Variation to the existing Section 106 agreement, the Head of Planning Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report with Condition 6 amended as set out on the Amendment Sheet and an additional informative to include reference to making the footpath a Public Right of Way.

5. 080561 Central Park House, 5 Military Road, Colchester

The Committee considered an application for minor alterations to internal layouts and the insertion of non-openable high level windows with the rear elevations of units 4 to 10 inclusive and a rear door within unit 7 to be used solely for the purposes of occasional maintenance and repair, approximately two to three times a year. The Committee had before it a report in which all information was set out with further information on the Amendment Sheet.

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

Catherine Hayward addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was concerned that the windows would be 20 feet away from her property and she wanted the units to have non-openable windows and air conditioning.

It was explained that the application clearly describes non-openable windows and there

was a Condition to ensure that they were to remain as such in the future.

RESOLVED (TEN voted FOR) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

6. 080586 and 080581 Shipwrights, 128 Coast Road, West Mersea

The Committee considered a planning application and an application for Conservation Area consent for the demolition of a boat paint shed to the rear of Wyatt's engineering workshop and the rebuilding of a new paint shed within the site. The Committee had before it a report in which all information was set out with further information on the Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

(a) In respect of planning application 080586, the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

(b) In respect of the application for Conservation Area consent, the application be approved with conditions and informatives as set out in the report.

7. 080596 Adjacent to Cedarwood Cottage, London Road, Copford

The Committee considered an application for the erection of a four bedroom detached dwelling with an attached garage and vehicular access. The application was a resubmission of 073116. The Committee had before it a report in which all information was set out 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.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

8. 080602 Langenhoe Village Hall, Edward Marke Drive, Langenhoe

The Committee considered an application for a single storey side extension to the village hall and had before it a report in which all information was set out.

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

9. 080611 34 Beaconsfield Avenue, Colchester

The Committee considered an application for a single storey rear extension. The extension would project 6 metres beyond the rear elevation and as such was contrary to Local Plan policy UEA13 which was 3 metres beyond that permitted within the policy. The Committee had before it a report in which all information was set out.

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

Helen Steel addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She hoped the Committee had read her letter of objection to the proposal. The reasons for her objection were outlined in the report. The extension was large and would block the light to her property. It was not in keeping with the 1890's property and not only would it set a precedent for and encourage the building of similar sized extensions, but the plans overlapped her boundary. On a general note, she moved into her house because she loved the garden and the peace and if everyone has extensions the green areas would gradually disappear. She wanted the application to be refused.

Susan Soormally addressed the Committee on behalf of her brother in law pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Mr Soormally had a medical condition and his health was not likely to improve; he has had to retire from work. He has difficulty with stairs and the only bathroom and toilet are on the first floor. They wanted a further 3 metres to provide a bedroom and bathroom facilities downstairs to allow him to stay in the house. The garden was 26 metres long so even with a 6 metre extension it would leave a garden 20 metres by 5 metres. She believed the Committee had the ability to use its discretion in this case because of her brother in law could not live upstairs and there was nowhere else on the ground floor.

Members of the Committee recognised that this was a difficult case. However there were clear planning guidelines and where there was an alternative solution, as in this case, it was not appropriate to overrule those guidelines. In this case the applicant could erect a 5 to 5 ½ metre extension with a flat roof under permitted development rights with no requirement for planning permission. The proposal as submitted would affect the neighbour's light.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds that it is contrary to Local Plan policy UEA 13.

10. 080618 4 Hillcrest Cottages, Greyhound Hill, Langham

The Committee considered an application for the erection of a porch and rear first floor extension to form an en-suite and single storey side extension, retrospectively in respect of the porch. The Committee had before it a report in which all information was set out.

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

11. 080475 101 Harwich Road, Colchester

The Committee considered an application for the conversion of an existing shop into domestic accommodation and the erection of a new dwelling on land adjacent to the shop. The Committee had before it a report in which all information was set out.

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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mrs Bouteldja addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that there used to be a wall along the property between the pavement and the forecourt but it was demolished in 1960 and not replaced because the forecourt was used for customers and deliveries. Now that the business had gone she did not consider that part of the forecourt should continue to be used in that way because it would be trespass. She had given permission for a neighbour to use the forecourt for security reasons. Her view was that a high fence could be erected; there were other bus stops in the area with narrow paths; as the path is not wide enough the bus stop should be moved; and putting a bus shelter there would be a magnet for local youths leading to vandalism. The Council could issue a CPO for some of her land but she considered that would be unfair. She would appreciate a positive outcome to her request.

Councillor Cook attended and, with the consent of the Chairman, addressed the Committee. He was not against the planning application but the pavement was only 1.3 metres. The owner of the shop recognised that people had difficulty and allowed them to use the forecourt. When Essex County Council raised the kerb they identified a problem with the pole and moved it back from the kerb to ensure it did not foul bus mirrors. However, if the wall was built as shown, people with prams or wheelchair users would be forced into the road. He suggested that the wall could be built 300mm further back into the forecourt area. The wall itself did not need planning permission and could be built long after the extension was finished. He would withdraw his objection if there were no boundary fixtures or fittings. Approval of the application as it stood would put people in danger.

It was explained that the wall was a requirement of the Highway Authority to ensure that there was only one single point of access to the property and to enclose the parking area. The applicant was not willing to provide an area for pedestrians on the forecourt and the Committee was required to consider the application as submitted. The wall could be constructed without planning permission. Officers did not consider it was appropriate to refuse the application.

Some Members of the Committee were very concerned that the public speaker felt she was being held to ransom. Various solutions were suggested: the bus company could move the bus stop; the bus stop pole could be moved nearer to the wall; bus drivers

could stop two or three feet eastwards away from the bus stop where there was no wall. The distance between the bus stop and wall would not be wide enough to get a wheelchair through. There seemed to be no reason why approval could not be given. This was a highways and road safety issue and officers were requested to write to the Highway Authority to explain the Committee's concerns and request that they move the bus stop.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for a Unilateral Undertaking to provide a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Planning Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report.

(c) The case officer to write to the Highway Authority to explain the Committee's concerns and request that the bus stop pole be relocated to the back edge of the footway in order to reduce obstruction of the footpath.

12. 071479 Colchester Camping Caravan Park, Cymbeline Way, Colchester

The Committee considered a retrospective application for retention of lighting incidental to the existing caravan park. The application had been deferred for receipt of a lighting survey/report to be carried out in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light. The report had been received and the Council's Environmental Control Team had assessed the report and agreed with its conclusion that the light readings complied with the guidance. The application was therefore recommended for approval with conditions. The Committee had before it a report in which all information was set out.

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

13. 071980 Land to rear of 11 Newbridge Road, Tiptree

The Committee considered a reserved matters application for the erection of sixteen residential dwellings. The application had been deferred at previous meetings of the Committee to clarify the external materials and colour finishes, and to consider the repositioning of the dwelling on plot 1 in order to minimise the impact upon the existing dwelling at 47 Winston Avenue. An amended scheme had been submitted to address the relationship of plot 1 to 47 Winston Avenue. Additional comments submitted by the Highway Authority were addressed within the report. The Committee had before it a report in which all information was set out with further information on the Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for the completion of an amendment to the existing Section 106 Agreement to provide for the contribution towards education to be increased to £42, 891.

(b) Upon completion of a satisfactory amendment to the existing Section 106 Agreement, the Head of Planning, Protection and Licensing be authorised to grant planning permission with conditions and informatives as set out in the report.

14. 080562 Hemps Green, Fordham

The Committee considered a retrospective application for the provision of an access to serve land adjacent to Hammonds Farm, Hemps Green, Fordham. The Committee had before it a report in which all information was set out with further information on the Amendment Sheet.

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

15. 080573 Doucecroft School, Abbots Hall, Abbots Lane, Eight Ash Green

The Committee considered an application, a resubmission of 072518, to vary Condition 5 of permission COL/04/0445 to allow the school to be open to pupils and boarders for no more than 48 weeks in each year, and allow ten boarders during the weekends, unless otherwise agreed in writing by the Local Planning Authority. The Committee had before it a report in which all information was set out with further information on the Amendment Sheet.

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

16. 080646 48 North Hill, Colchester

The Committee considered an application for a change of use from office to A3 (Restaurant) with opening hours of 12 pm until 11pm. The building is listed and the site is within a Conservation Area. This application is one of two submitted by the same applicant for two separate restaurants at nos. 47 and 48 North Hill. There was no supporting application for any physical works to link the two buildings. The Committee had before it a report in which all information was set out with further information on the Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

17. 080648 47 North Hill, Colchester

The Committee considered an application for a change of use from office/residential to A3 (Restaurant) with opening hours of 12 pm until 11pm. The building is listed and the site is within a Conservation Area. This application is one of two submitted by the same applicant for two separate restaurants at nos. 47 and 48 North Hill. There was no supporting application for any physical works to link the two buildings. The Committee had before it a report in which all information was set out.

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

18. 080294 Garrison Church, Military Road, Colchester

The Committee considered an application for a change in form of the dais at the eastern end together with the erection of iconostasis and side walls around the chancel; fitting of a low icon shelf and candle tray and upper shelf along the northern and southern walls at heights of 1.20 metres and 1.62 metres. The Committee had before it a report in which all information was set out.

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.

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

Reverend Andrew Phillips addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He had no objections to the proposal. Sand trays for candles would be positioned 7.8 metres from the eastern end of the church subject to appropriate fire extinguishers being provided. Talks had been held with the Tourist Office regarding opening for conducted tours. The church was a part of Colchester's heritage and it was intended to have orthodox music in the church. The objections were for the change of use but the Garrison Church will be used as a church and it will be opened up for the local community.

Members of the Committee looked forward to seeing the church when it was completed. It was suggested that an informative be added to the effect that the Council would like an interpretation board to be provided inside the building setting out the history of the church so people could see it. It was noted that the fabric of the building would not be altered and its use as a place of worship would continue, but there was some disappointment that its use as an auditorium would be lost.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report and an informative be added requesting the applicant to provide an interpretation board inside the building providing details of the

history of the church, details of which are to be agreed in writing with the Local Planning Authority.

19. 080548 Bridge House, Severalls Lane, Colchester

The Committee considered an application for the erection of an electric transformer substation with vehicular access. The Committee had before it a report in which all information was set out with further information on the Amendment Sheet. The land contained an area of preserved woodland to be retained as an amenity area within the development. An Arboricultural Report had been received prior to the Committee's meeting but no comments had been received from the Trees and Landscape Officer and the recommendation had been revised to allow time for the comments to be received.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for receipt of comments from the Trees and Landscape Officer.
- (b) Upon receipt of satisfactory comments from the Trees and Landscape Officer, the Head of Planning, Protection and Licensing be authorised to grant planning permission with conditions and informatives as set out in the report and on the Amendment Sheet.

20. 072285 Cherry Tree Farm, London Road, Great Horkesley

The Committee considered an application for a change of use of the land to permit the siting of a temporary agricultural workers dwelling, a resubmission of F/COL/06/1980. The Committee had before it a report in which all information was set out. Consideration of this application at the meeting followed on from the item at minute 21.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations. The consultants conclusions were clear that 24 hour on site supervision was essential for animal welfare and the need to be on hand to respond to mechanical breakdowns of the automatic systems; feeding, lighting, etc. Problems could arise quickly and someone needed to be on site to respond. This view was supported by current practice at similar units. There were some drainage issues outstanding which the Environment Agency would have preferred to be resolved, but they could be dealt with by condition.

Phyllis Burt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She considered the consultants' report to be flawed. He has made incorrect statements in respect of current animal welfare arrangements. Animal welfare regulations state a minimum of one visit per day. DEFRA advises that a stockman can live up to two miles away. The consultant also failed to make a site visit. There were other units in the area where the

supervisor lived several minutes drive away. The need for housing related to a full time worker only. This application represented a manipulation of the planning system in order to get a house on the site. Officers had failed to take account of comments from objectors. She did not believe the Council should be making a decision based on precedence; it should be on a case by case basis.

Ian Pick addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application was for PPS7, a dwelling where it met the test for the functioning of the enterprise. An appraisal had been submitted and the Council had sought its own expert advice. Acorus confirmed that the dwelling was essential for the functioning of the unit.

Councillor Arnold attended and, with the consent of the Chairman, addressed the Committee. The applicants seemed to be asking for agreement in principle and the detail to be agreed by officers. Waste was to go into the main sewers and as there were none it would go into tanks; this needed to be resolved before permission was granted. It was stated that it was better that the supervisor was on site, not that it was essential. The applicant was reputedly referring to RSPCA and DEFRA. The RSPCA advised that an on site person was not essential in this case. There was no shortage of accommodation to let. He did not think the case had been made for there to be someone so close to the site to require an extra building and certainly not any sort of residence beyond the control of this Committee.

In respect of the consultants report being flawed with elements incorrect, it was explained that the Council's consultants accepted that the legislation had been updated. In respect of the RSPCA's recommendations, it was not only stock which were of concern, but also mechanical systems which could fail and this was considered to be the reason for requiring immediate supervision. The consultant advised that the supervisor should be on or immediately adjacent to the site. A condition had been drafted to seek further details of the dwelling which was to be a mobile home and as such was defined in law. It would not be a permanent residential unit and it would be on site for 3 years at the end of which the Council would have the ability to assess whether the business was going to flourish. In respect of the drainage question, the options were cesspits or septic tanks. The underlying geology was a very thick clay layer over a chalk aquifer; septic tanks would work here.

In general, Members of the Committee were concerned whether it was essential or desirable to have someone permanently on site and the nature of the accommodation. Condition 3 limited the occupation to certain people and it was considered desirable that this should not include a widow or dependents. A mobile home measuring 40' by 14' could sleep 8 people, but with two mobile homes together would constitute a large dwelling which would accommodate a family. If the Committee were minded to approve the application, clarification and a strongly worded condition would be required to tie the permission to the owner of the unit for agricultural use only and connected to this unit.

Policy PPS7 required an on site worker to be essential, not just desirable. If after three years from consent for a mobile home, provided the conditions were met on profitability, this would become an application for a permanent dwelling. In 2012 all egg

production in battery houses would be banned and henceforth would have to be carried out from units similar to and larger than this one, or in perching houses. From an animal welfare point of view, this was the future for the egg production industry. The report from the consultants was thorough and he mentioned the Code of Practice which required a responsible person to live close to the site for emergencies. This point can be argued to make it essential. It has been accepted in the industry that it does need someone to live very close and it could be a house a few hundred yards but not two miles or 1½ miles. DEFRA make recommendations in the Code of Practice where for emergency purposes they want someone living close by because although the poultry range in the day, at night they were provided with their own environment and if anything went wrong with the environmental controls they would die. Comparisons between semi-intensive livestock and grazing livestock were invalid.

It was explained that an agricultural condition was reasonable in the circumstances tied in to be occupied in connection with the holding at Cherry Tree Farm and including an end date; Condition 3 could be amended by referring specifically to working of Cherry Tree Farm.

RESOLVED (EIGHT voted FOR, TWO voted AGAINST and TWO ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report with the following amendments:-

Condition 1 – Temporary approval for 3 years.

Condition 2 – Temporary accommodation to be in the form of a mobile home.

Condition 3 – Occupancy to be tied to this specific poultry rearing operation.

Condition 5 – To be amended to include the Environment Agency's requirements as specified on the Amendment Sheet.

21. 072287 // Cherry Tree Farm, London Road, Great Horkesley

The Committee considered a report by the Head of Planning, Protection and Licensing advising the Committee of the Regulation 5 Screening Opinion. The Committee were requested to review whether in the light of that Screening Opinion they wished to alter in any way their decision on application 072287 made at the meeting held on 13 March 2008, and further, subject to the outcome of their review whether the additional information obtained from Anglian Water was sufficient to allow the Head of Planning, Protection and Licensing to grant permission for planning application 072287 in accordance with the Committee's decision on 13 March 2008.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations. Having taken legal advice on whether an Environmental Impact Assessment (EIA) was required, it was decided to deal with the matter by undertaking a written Screening Opinion. Item 4 of the Screening Opinion indicates that for this size of operation an EIA was not required. Officers were also concerned that the response from Anglian Water was not in the categorical terms required.

Mr Geoff Burt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He stated that he had a report which stated that the only way to quantify the risk is to carry out a detailed analysis to establish which pathogens could find their way into the water supply. It clearly recommended specialised research be carried out which had not been done. He urged the Committee to refuse the application on the grounds of public interest.

Mr Ian Pick addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Anglian Water had provided the Council with the information requested and the Drinking Water Inspectorate had supported Anglian Water. GOEast had determined that an EIA was not required. His company had submitted 67 applications and not one required an EIA. There were no technical objections, the scheme satisfied the consultants and he requested that the officer recommendation be accepted and permission be granted.

Councillor Arnold attended and, with the consent of the Chairman, addressed the Committee. He was concerned about the times of delivery and departure of vehicles from this site. They were intending to make a regular delivery at 8am every morning from a narrow country lane. This was referred to as a minor matter. He wanted an opinion on whether a condition could be added. If the Committee was minded to approve the application he asked that Poplars be used in the planting scheme around the development for maximum amount of screening.

Members of the Committee considered it was clear that the Council had investigated the position on the Screening Opinion and with the recommendation of the Council and GOEast, must accept that it was on firm ground that nothing further was needed. As far as the declaration from Anglian Water was concerned, they could not go any further than they had, but this position was supported by their own statutory duty to supply water to the public bearing in mind the comments they had made. In general Members were of the opinion that they could not expect Anglian Water to be any more categorical than they had been.

It was explained that in respect of the possibility that a report was suppressed in some way, officers had tested assertions made by the water authority and there has been a constant dialogue with them and the final statement reflected what the Council had been told. They also had a statutory responsibility to provide good quality drinking water and the planning office trusted that they were giving the Council the information requested. There was no reason why a condition could not be added to the effect that a scheme be agreed for times of delivery and collection with the proviso that all efforts be made to avoid peak times; there could be a network of collections so some latitude was requested in this respect. Similarly there was no reason why Poplars could not be included in a landscaping scheme.

RESOLVED (NINE voted FOR and THREE ABSTAINED from voting) that the Screening Opinion be accepted.

RESOLVED (NINE voted FOR and THREE ABSTAINED from voting) that the additional information obtained from Anglian Water was sufficient to allow the decision

made at the meeting held on 13 March 2008 to stand.

RESOLVED (NINE voted FOR and TWO ABSTAINED from voting) that subject to a condition being added requiring a scheme to be agreed specifying delivery and collection times to and from the site by service vehicles, and the landscaping condition being amended by the inclusion of appropriate Poplar species, characteristic of the locality, the decision made at the meeting held on 13 March 2008 be implemented.

22. Enforcement Action // Land at 25 Straight Road, Boxted

This matter was withdrawn from consideration at this meeting by the Head of Planning, Protection and Licensing.

23. Enforcement Action // Land at Elm Farm, Elm Lane, Marks Tey

The Head of Planning, Protection and Licensing submitted a report seeking authorisation to take enforcement action for the cessation of the use as a haulage yard, the cessation of the use for temporary storage of building materials, and the removal of earth bunds.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations.

Jonathan Reubin addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposed enforcement action. He was representing the Trust of the owners and two occupiers of the land in question. The farm was uneconomic as the land was not top quality and had no landscape value. One of the parcels was being used as temporary storage for Global Stone and Kent Blaxill and when that is completed the use of that area of the land will stop. The other area of land is used by a small business to run 12 lorries from the site and the vehicles are only there at the weekend. The area has a soft surface and no goods are transferred. Both areas have been in use for many years with no problems and are providing employment in the area. Owners of the land records and trustees are endeavouring to contact the earlier occupiers of the site to show there had been storage and transport use for many years. They will appeal against any action. The Trust suggest that instead of taking the enforcement route negotiations take place to maintain employment opportunities for the future.

It was explained that the matter was first investigated four years ago and the view now was that the time for dialogue referred to by Mr Reubin had not achieved anything and the time had come to take action.

Members of the Committee considered that this site had been a planning problem for some years and had given local residents great concern because it had grown. There were particular concerns about the use of the site for heavy vehicles and storage. The bund obstructed views into the site but from a highways point of view the lane exits onto

the A120 which could be blocked or had fast moving traffic. Consequently, this was not a good site for this use. Applicants had been asked to put in planning applications to regularise the use and had failed to do so. It was suggested that in respect of the use by Global Stone which was transferring to an alternative site in the near future, the enforcement action may not be necessary in a few months' time. However, the timescale for the move was unknown and enforcement action remained the recommended course of action.

RESOLVED (UNANIMOUSLY) that an enforcement notice be served requiring the cessation of the use as a haulage yard, the cessation of the use for temporary storage of building materials, and the removal of earth bunds.

24. Remedial Notice // HH/COL/06/0339, 15 Firs Chase, West Mersea

The Head of Planning, Protection and Licensing submitted a report seeking authorisation to prosecute the owner of hedge 3 in the Magistrates' Court if the owner had not complied with the remedial notice within 56 days from the date of this meeting. Hedge 2 had been removed entirely and some work had been carried out to hedge 1 but no work had been done to hedge 3. The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet. The owner of hedge 3 had questioned the Council's calculation in respect of hedge 3, but officers were fairly confident that their calculations of hedge 3 were correct, however there is no evidence that the inspector relied on the Council's calculation.

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

Jackie Morley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She was the occupier of the neighbouring property. She had first complained about the hedge in August 2007 and was disappointed that the situation would take longer to resolve. If this opportunity was not taken to deal with hedge 1 the owner would take the opportunity not to do anything and it was a fast growing leylandii. The hedge on which no action was recommended had already grown 1 metre.

Members of the Committee were in support of the officer's recommendation but were also very concerned about the fast growing nature of hedge 1. The officer response was that the situation with hedge 1 was that it did not comply with the inspector's recommendation so if the Committee were concerned they should consider whether to prosecute in respect of hedge 1.

RESOLVED that –

(a) The Head of Planning, Protection and Licensing be authorised to commence legal proceedings against the owner of hedge 1 and hedge 3 in respect of failure to comply with a remedial notice issued on behalf of the Secretary of State for Communities and Local Government in respect of high hedges.

(b) If works are carried out in full within a period of 56 days from the date of this meeting no further action will be taken.

25. Planning Training for Members

The Chairman announced that Councillors Gamble, Lilley and Offen had all undertaken planning training sessions which satisfied the Monitoring Officer and complied with the Council's requirements to enable them to serve on the Planning Committee.

26. Amendment Sheet