

**PLANNING COMMITTEE
4 SEPTEMBER 2008**

Present :- Councillor Ray Gamble* (Chairman)
Councillors Mary Blandon*, Nigel Chapman,
Peter Chillingworth*, Mark Cory*, Stephen Ford*,
Chris Hall, Sonia Lewis* and Nigel Offen

Substitute Members :- Councillor Barrie Cook for Councillor Helen Chuah*
Councillor Richard Martin for Councillor John Elliott
Councillor Jackie Maclean for Councillor Wyn Foster

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

99. Minutes

The minutes of the meeting on 7 August 2008 were confirmed as a correct record.

100. 081333 Floral Acres/Tollgate West, London Road, Stanway

The Committee considered an application for the erection of twelve business units together with ancillary car parking and outbuildings. The proposed range of uses for the units would fall within the categories of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 Agreement to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications – 070390, 070391, 071087, 071932, 080640, 080642 and 081333 (Note: A £25,000 payment is not payable on each of the aforementioned developments).
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the Western Bypass, as required by the Head of Environmental and Protective Services.

(b) Upon completion of a satisfactory Section 106 Agreement, the Head of Environmental and Protective Services be authorised to issue a planning permission subject to conditions and informatives as set out in the report.

101. 081264 67 Collingwood Road, Colchester, CO3 9AY

The Committee considered an application for a one year temporary change of use from C3 (Residential) to D1 (Non-Residential Institution – day centre). 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.

David Whybrow, Planning Team Manager, attended to assist the Committee in its deliberations.

Sandra Kelly addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was concerned about the security of the fencing and the privacy of the neighbours and requested that a 6' close boarded fence be installed to replace the chain link fencing. She was also concerned that the use of the premises for respite care at the weekends could turn the use into full time respite care.

Brian Middleton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that this was to be a small family business to meet the needs of a small group of people and their carers. He understood the concerns about the property and had made arrangements for suitable fencing with one adjoining neighbour and at the end of the garden and would make arrangements with the other adjoining neighbour to replace the chain link fence. The daytime service would not be any different from having a family there. They would mainly use the house as a base and support to access the community and would not be there all the time. In relation to respite care on evenings and weekends, this would only be offered to their regular clients and only in an emergency to carers who could not get any other support.

Members of the Committee generally supported the proposal but were concerned about the privacy and protection of residents in the garden especially with close neighbours, the transmission of noise from clients when in the house, and the use of the facility in the evening and at weekends which would be different from day care. There was a view that the applicant seemed to have an awareness of the client group and any noise that might be generated. It was also suggested that the temporary period be for 2 years because a one year permission with possible expensive works to soundproof the premises would be unreasonable. The two years would also enable the applicants to prove they could run the unit without disturbing the neighbours. A deferral was proposed to enable the additional information on soundproofing and other matters to be provided.

RESOLVED that the application be deferred for the following information and the application to come back to the Committee:-

- whether that type of mid-terrace property was capable of being soundproofed to a suitable extent and what soundproofing standards would be required by Environmental Control,
- the applicant to indicate the potential level of noise produced by these proposals,

- officers to consider a 2 year temporary consent and complete fencing of rear garden with 6' close board fencing,
- whether the premises needed to be licensed by Social Services and what the requirements were.

Councillor Barrie Cook (in respect of his acquaintance with the applicants who contact him to make bookings for the St. Anne's Community Hall) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

102. 081279 17-19 Church Walk, Colchester, CO1 1NS

The Committee considered an application for a change of use to A1 (Internet Café) a mixed use of internet facilities provided to the public and the sale of food and drink for consumption on the premises. The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

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

Sally Pfeffer addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She represented eight residents, the governors and manager of Charles May House and its fourteen residents, three businesses and Peter Lynn. There were objections that the internet café facility would not be available after 6pm, that other proposed uses had nothing to do with an internet café, that the use was not confined to mixed use. There were also objections to opening until 11pm and to the sale of alcohol. As there were no facilities for smokers on site the use of the street for smoking was a possibility. The premises were not accessible by wheelchair users and compliance with the regulations would cause a 45mm overspill into highway land.

Vicky Robinson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Ling Trust was a local charity, funded by the Department of Health, and set up to provide learning opportunities for people with disabilities. Currently there were no facilities on site for wheelchair users but provision of this was a priority. They were unable to provide facilities for smoking as would any other business. They wanted to keep noise to a minimum and had applied for the license to provide alcohol in the hope that they could use the premises once a year for a Christmas party.

Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee. There could be no objection to the use of the premises as an internet café which was reasonable. However, the residents had great concerns that it might become a drinking establishment as the hours of opening would indicate. Access for disabled people was also a great concern as it would be impossible to enable access for disabled people. This was not an application for an internet café for the disabled. He welcomed the comments on the amendment sheet. In the light of the wide scale

of the objections he asked that whatever response the highway authority gives the application be brought back to the Committee.

Members of the Committee understood the concerns of residents but recognised that the existing use and hours of use were similar, if not the same, as the existing permission for the premises. Also that some matters were covered by other legislation and therefore not able to be taken into consideration for this application. However there were some areas where further information was considered to be useful, particularly in respect of whether there was any history of complaints received by Environmental Health, clarification on the hours of opening and whether the Highway Authority had any objections, mentioned on the amendment sheet.

RESOLVED (MAJORITY voted FOR) that the application be deferred for the following information and the matter to come back to the Committee:-

- comments from the Highway Authority on additional information submitted by the applicant,
- comments from Environmental Control on the history of complaints,
- information from the applicant to clarify the scope of use, hours of use and the sale of alcohol.

103. 080513 17 East Road, West Mersea, CO5 8EB

The Committee considered an application to increase the ridge height of the roof of an existing bungalow by 1.6 metres and the insertion of four gabled dormers into the roof space providing secondary lighting to three proposed new bedrooms and the bathroom. A rear extension was also proposed extending to a distance of 5.5 metres from the existing rear wall of the property together with the relocation of an existing garage. 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.

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