

PLANNING COMMITTEE
24 JULY 2008

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

Substitute Members :- Councillor Jackie Maclean for Councillor John Elliott
Councillor Nick Barlow for Councillor Ray Gamble

(* Committee members who attended the formal site visit.
Councillor Hall was present for the site visits at minute nos.
78 and 84 only.)

Councillor Cory was not present for the consideration and determination of items at minute nos 81 to 84 inclusive and 88 and 89.

77. Minutes

The minutes of the meeting held on 10 July 2008 were confirmed as a correct record subject to Councillor Chuah's declaration of interest for minute no. 66 being amended to read "in respect of being a trustee and secretary of the St. Anne's Community Hall".

78. 080900 St Andrews Gardens, Colchester, CO4 3BQ

The Committee considered an application for a change of use of an existing bulky goods/retail premises to a food store including an ancillary coffee shop and customer toilets together with works of refurbishment and associated alterations, reconfiguration of car park and service arrangements, reconstruction of retaining wall and erection of new delivery bay, entrance lobby and mezzanine. The Committee had before it a report in which all information was set out, see also 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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. A planning gain package comprising highway improvements and travel plan/information was proposed to mitigate the negative aspects of the proposal upon the locality. He explained that the Highway Authority had requested a transfer of a strip of land to them to facilitate highway improvements. The main issues were the principle of the proposed use in view of the current designation of the site current designation. This is an out of town centre site, a sequential test has been carried out and established that no other site is closer to the town centre which could be developed to provide the floor space. The Development Team are satisfied in terms of sustainability. The building needs to be redeveloped to bring it up to standard and this proposal will improve the appearance of the site. It is to be regretted that there are a

number of mature trees to be removed as part of the highway improvement, but there will be a landscaping scheme to replace the trees within the site. The relocation of the service yard will result in less impact than in its present position.

Chris Nicoll addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He worked for the owners of the Cowdray Centre and has been working to create a scheme of mixed use office, retail, hotel and housing. Many of the occupiers were displaced and were objecting to this application because it represents a short term fix rather than addressing the wider benefits of the Cowdray Centre. The Cowdray Centre is a regeneration site in the Local Development Framework which will be affected significantly by this application. Waitrose are accepting this site because they are confident that they can start on the site within a year. This proposal will have a huge impact on the whole of the Northern Colchester Regeneration Area.

Ken Harrison, Waitrose Development Surveyor, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They can deliver a store by autumn of next year and are fully committed to this scheme. Waitrose have a long standing requirement to come to Colchester and have discussed suitable opportunities. This site is viable, available and deliverable and will provide 20,000 sq ft and 222 car parking spaces. Servicing and deliverability is a great attraction; it has prominence and accessibility. A development is complex, lengthy and uncertain; always takes longer and costs more, whereas this site is a simple conversion of an existing building to a high quality supermarket. They have spoken to many developers and looked at many sites. This site will allow Waitrose to deliver a high quality store in Colchester which will provide a full range and enable them to compete effectively with existing supermarkets.

Councillor Hogg attended and, with the consent of the Chairman, addressed the Committee. Thinks officers done a good job putting this together. This store needs to come back into operation because there has been some antisocial behaviour here and incidents of trespass. However this site is about winners and losers; those on the eastern side will benefit from the transfer of the service area to the western side. The layout is good but those who live near the northwest corner, 51 Ipswich Road and residents in Orchard Gardens will be affected by the relocated service area. It would be a brilliant scheme were it not for the loss of the trees and the residents on the western side. He wants to see this store come back into use but as it stands he cannot support this scheme. If there was a way this site could be developed and get the highways improvements and a landscape scheme which includes the planting of mature trees to help people in Ipswich Road then he could support it.

Members of the Committee were generally in support of the proposal which would bring the site back into use, but were concerned at the loss of the mature trees, some of which have given residents in Orchard Gardens and the adjacent house in Ipswich Road some protection from activity on the site. Members were also aware that they could not take into account other sites which may or may not come forward. Four thousand people live within walking distance of this site and this is also a tremendous opportunity for employment in the area. Provided as much protection as possible in terms of replacement trees and fences can be given to residents the loading bay may

not be too serious. The Highway Authority were trying to improve the whole of the A133 corridor and this was an opportunity to acquire some land to improve the junction. There was some doubt about what the highway improvements would achieve in terms of improving traffic flow. In general terms the Committee supported the application as the benefits outweighed the disbenefits.

It was explained that the loss of the trees was a major negative impact in this proposal. The Arboricultural Officer has commented that the trees are of high amenity value and are in good condition. Their loss is a consequence of the land being dedicated to Highway Authority for carriageway, cycleway, pavement or similar. There is very little space to put in replacement trees along the Ipswich Road boundary, however Condition 4 provides for a scheme of environmental works including planting, fencing to secure appropriate new boundary treatments along Ipswich Road, St Andrews Avenue and around the service area. The Arboricultural Officer would be looking for the replacement of trees. A condition to protect any trees to be retained during construction would also be imposed.

RESOLVED (SEVEN voted FOR, THREE voted AGAINST and TWO ABSTAINED from voting) that –

- (a) Consideration of the application be deferred for completion of a Section 106 Agreement to secure highway improvements and transport contributions as required by the Highway Authority.
- (b) Upon receipt of a satisfactory Section 106 Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

Councillor Mary Blandon (in respect of having worked at Paxmans for a number of years in the past) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

79. 071036 Former Paxman Engineering Works, Port Lane, Colchester, CO1 2JF

The Committee considered an outline application for 373 dwellings, comprising 272 one and two bedroom apartments, 38 two bedroom houses and 63 three and four bedroom houses. Also included in the scheme was 390 square metres of flexible commercial development and a change of use of an existing building which was to remain comprising 830 square metres of flexible commercial use. The commercial areas would comprise A1 and/or A2 and/or A3 and/or B1 and/or D1 and/or D2 use classes. The Committee had before it a report in which all information was set out, see also 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. Ward Councillor T. Higgins was in attendance at the formal site visit pursuant to Section 7(3) of the Planning Procedures Code of Practice.

Richard Button, Planning Team Manager, attended to assist the Committee in its deliberations. The principal access would be from Port Lane with a secondary access from Standard Road. The former gatehouse, which is the last remaining original building from the Paxman era, was to be retained for employment use. Proposed buildings along Port Lane were 2.5 storeys and with the drop in level from the street to the site would present two storeys to Port Lane. The scheme also included a variety of dwelling houses and apartments which were in three, four and five storey blocks. The apartment blocks increased the overall density to 70 dwellings per hectare (dph), higher than in New Town which averaged at 55 to 60 dph. A variety of parking arrangements was provided to prevent cars from dominating the street scene. A package of mitigation measures and planning gain amounting to £1,900,000 had been negotiated following an open book cost appraisal process.

Frances Sparrow, resident of St. Leonards Road, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was concerned about parking for existing residents in St Leonards Road and, in the event of any planned restrictions of access from Standards Road, traffic entering St Leonards Road would have to retrace their route whereas currently there were two options to access Hythe Hill. He wanted to know if the public open spaces would be maintained and was disappointed at the loss of the open space around the drainage pond if it was to be filled in; he regretted the loss of any trees around the pond and did not consider the pond to be contaminated as wildfowl were present.

Councillor T. Higgins attended and, with the consent of the Chairman, addressed the Committee. She considered the proposal to be overdevelopment and was disappointed at the number of flats, 270, compared to the number of houses, 63. Three bedroom family homes were desperately needed. She acknowledged that the developer would have to deal with contamination on the site but the 10% affordable housing was well below the 25% which should apply and the potential contamination was known at the time of purchase of the site. There were amenity areas and large green spaces but there was nowhere to kick a football. No community building was being provided. She had calculated that the development would produce at least 500 cars and she asked where residents of Port Lane were going to park. There are some good points in the scheme but she could not support the application, particularly on the grounds of density. She wanted proper family homes for New Town not landmark buildings.

It was explained that the density over the whole site was higher than New Town mainly because of the apartment building which would occupy one third of the site. The density of the remainder was about right and would produce a good community for the residents. There was a community building on the western side of the site which could be used as a community facility. The scheme included two large areas of open space which, coupled with the contribution, was considered acceptable. It was not considered reasonable to ask the developer to provide parking for existing residents. The scheme caters for parking for its own residents which is all that can be asked for.

Members of the Committee commented that the Development Brief for the site was

written as a guide for prospective developers. There were elements of the scheme that could be endorsed, however, the brief proposed a mixed use development whereas this was almost entirely residential with just the old building in the north west corner being allocated for employment. The density was high mainly because of the introduction of flats which were not normally found in New Town. This aspect did not comply with the planning brief nor did it reflect the area. This area was a different situation to the rest of the Hythe. The site was in an area much more akin to New Town which had been developed as housing to support industrial employment. It was considered that the Council should be looking for improved gardens for housing not less than the Essex Design Guide of 100 square metres. There would be a lot of new traffic which will use the access on Hythe Hill and yet the Highways Agency had not commented. The 10% social housing was also considered to be inadequate. There was a concern about how residents would be protected from the noise of the factory. Footpaths in the area need upgrading. There was an opposing view that the scheme, based on the concept of an urban village, was imaginative, and that some people may not want back gardens, particularly as there were special open areas provided.

It was explained that in view of the recent change in the housing market it could be a possibility that a further scheme will come forward but the objection relating to flats as such would be very different to sustain. New Town is a good model of urban living and this scheme reflects that. An objection on density may be difficult to sustain. Two bedroom properties can have smaller gardens. The guidance provided for developers was a technical document and did not have the support of a Supplementary Planning Document.

RESOLVED (FIVE voted FOR, TWO voted AGAINST and FIVE ABSTAINED from voting) that the application be refused on the following grounds:-

- insufficient affordable housing which did not comply with the adopted Supplementary Planning Guidance document,
- insufficient amenity space, particularly that provided for dwelling houses, and
- overdevelopment and the density failing to reflect the character of the surrounding area.

80. 081006 King's Arms, 63 Crouch Street, Colchester, CO3 3EY

The Committee considered an application for a variation of Condition 11 of planning permission 080129 to allow external live music events four times a year on Bank Holiday Mondays between 13.00 – 18.00 hours. 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.

81. 081039 and 081040 38 East Hill, Colchester, CO1 1QX

The Committee considered a planning application and a listed building application for a change of use from a dwelling to an orthodontist by fitting out the existing building, removing an existing 20th century single storey extension and constructing a two storey extension onto the south elevation. These applications represented an amended scheme to the earlier planning application 072263 and listed building application 072232 which were refused. This scheme insets the two storey element approximately one and a half metres away from the boundary with 37 East Hill. The 45° line from the rear corner of no. 37 was just infringed which was contrary to guidance. However, it was considered that the amended scheme affected the neighbour less than the original application. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. The pyramidal roof was now cut back so the 45 degree rule from the bedroom window at no. 37 East hill was satisfied.

Steve Edgerton, representing the objector, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had seen the modified plans and considered they were more in detail than substance. In terms of the previous proposal, the accommodation was not necessary because to the south was a large garden in which the small amount of accommodation could go. If this was a residential accommodation it would be refused but for a policy of residential accommodation Use Class D which overcame the impact of the development. Buildings that had survived a Civil War were now in danger because of the preservation of a dental surgery.

Dr Smit addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The previous application took account of views made and considered in depth and they believe they have satisfied the comments made by the Council at the last meeting. Not only to the planning application but also to the listed building and all concerned feel they have produced a satisfactory scheme. In respect of the second floor extension they had justified why it was necessary. Orthodontic work did not involve drilling and filling, it was a different way of treating patients with a low noise level. The primary motivation for the application was the surgery itself because the community is in need of additional facilities. The surgery would be well positioned for travel by public transport and private car. They have achieved architectural guidelines and need the facility for Colchester.

Members of the Committee asked for and received an explanation of the 45° rule as it applied in this case. Last time this proposal was before the Committee, the principle of the application was supported by the Committee and they understood that the practice was doing good work and thus the extension was needed. The Conservation Officer agreed that the proposal was satisfactory as far as the conservation application was concerned and it was for the Committee to decide if the improvements overcame their concerns from the last meeting.

RESOLVED (SIX voted FOR and FIVE ABSTAINED from voting), in respect of planning application 081039, that the application be approved with conditions and

informatives as set out in the report.

RESOLVED (SEVEN voted FOR and FOUR ABSTAINED from voting), in respect of listed building application 081040, that the application be approved with conditions and informatives as set out in the report.

Councillor Sonia Lewis (in respect of her relationship with objectors to the application who had become personally acquainted with her in her role as ward councillor) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Stephen Ford (in respect of his daughter being a pupil at a nearby school which had submitted representations to the application) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

82. 081079 80-82 London Road, Colchester, CO3 0HD

The Committee considered an application for external alterations to an existing retail unit to include the provision of two further shop frontages facing onto London Road, the provision of a dock leveller to the loading bay, a disabled access ramp, a trolley park, the creation of a waste compound and the reconfiguration of the car park which will reduce the number of spaces.

The Committee had before it a report in which all information was set out, see also Amendment Sheet. It was noted that the site formed part of a designated Local Shopping Centre and also benefitted from an existing planning permission for retail use which was not limited to non-food retail use. The internal sub-division of the store did not require planning permission; however external alterations to retail units did require planning permission. In general terms the reconfigured layout of the parking area was considered to offer improvements and the two new retail units would help to improve the appearance of the frontage onto London Road. The new units were considered to complement the Local Shopping Centre and were supported by Policy TCS12.

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.

Shelagh Gray addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. MFI had found alternative accommodation. She was aware of concerns about the increased activity on the site. The two new shop fronts would improve the plain frontage and there would be other improvements at the site. Parking spaces were currently poorly laid out and would be improved. The site was a designated Local Shopping Centre and this scheme would add to its viability.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. He was representing forty residents in Nelson Road who had objected to the development on the grounds of public safety and quality of life. Currently the MFI store was effectively a showroom and the entire operation was carried out during normal working hours. Residents were concerned at the possibility of anti-social deliveries and he requested that deliveries be made Monday to Friday between 8am and 10pm; and no delivery vehicles parked overnight with refrigerator units running or waiting for store to open. Their second concern was traffic in London Road. There is a constant flow of traffic along Straight Road and out into London Road, the only break being caused by the pedestrian crossing to enable people to exit. However, in the rush hour and on Saturdays there were very few opportunities. The exit was satisfactory 20 years ago but not now. There were concerns for pedestrian safety, particularly for pupils at Lexden Primary School, 10% of whom had a hearing impairment. Residents have also asked for no external illuminated signs outside opening hours except security lights.

Members of the Committee had some concerns. The MFI store permitted residents to park overnight and local business vehicles to park during the day. A change in this permissive pattern would cause overspill into surrounding roads. Pedestrian safety across the access onto London Road was an issue of concern and a pedestrian priority across the entrance was requested. It was noted that a Travel Plan was to be prepared and the Committee requested that the school in Nelson Road be consulted as part of its preparation.

It was explained that the change of occupier of the site did not require a change of use and currently there were no restrictions on opening hours of the store or delivery times. There was no ability for the imposition of conditions to address these issues, but an informative could be added to bring the applicants attention to the Committee's concerns. The Environmental Health Team would be able to take action if there was any noise nuisance on the site. The Highway Authority had not raised any concerns about the access and whilst there may be a greater number of vehicles using the access it was not a change of use.

RESOLVED (TEN voted FOR and ONE ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet together with three additional informatives as follows:

1. Delivery times to the store should only be between 8.00 am and 10.00 pm in order to protect residential amenity.
2. The applicant is asked to liaise further with the Highway Authority and the Local Planning Authority to secure improvements to the access in particular in relation to pedestrian movements to and from the two new shop units fronting onto London Road.
3. In preparing the Travel Plan the applicant is to consult the school located in Nelson Road.

83. 081103 Birch Church of England School, School Hill, Birch, CO2 0LZ

The Committee considered an application for a proposed nursery unit to be erected within the school grounds for a temporary period of five years. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Alistair Day, Conservation and Design Officer, attended to assist the Committee in its deliberations. A building of this nature would not normally be permitted next to a listed building, but its situation away from the public realm had been taken into consideration.

Mr Carr, a neighbour to the application site, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This was an example of creeping planning, evidenced by the site's recent history. He has spoken on several previous occasions in respect of congestion and parking at Birch School. His objections were in respect of the congestion currently being caused by cars parking at the start and end of the school day and the difficulties agricultural vehicles have in getting through. This application would exacerbate the situation because of the additional traffic/parking at the start and end of the nursery school day by those who have nursery aged children only. This does not occur at the present time. In respect of staff parking there would be twenty-two staff and only fourteen parking spaces provided which was insufficient. Although the nursery unit would be hidden from public view, from an appearance point of view it might be better if it was clad in weatherboard similar to cottages in the vicinity.

Kate Moore, Headteacher at Birch School, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Birch School had particular difficulties because of its rural location and in accessing this kind of resource. There used to be a nursery provision in the village which was immensely useful to the smooth running of the school but it closed. Since then they have been looking at different possibilities for preschool provision in the community. She had every sympathy with neighbours but traffic problems around the school were not unique. The new children's centre was beginning to become a significant aspect of the community. She was meeting with other nursery providers to work in partnership. She believed an on site nursery could contribute to a reduction in traffic problems in respect of those parents who drop off primary school children in Birch and then drive to Tiptree to a nursery school there.

Members of the Committee considered that primary schools were a valuable facility and they continued to grow which inevitably causes traffic problems. This scheme might help ease the situation rather than exacerbate it. Once again highways have made no objection to this application and traffic problems cannot be solved by this Council. This was an essential facility and the school must continue to improve its facilities.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report for a temporary period of five years.

84. 081105 Colchester General Hospital, Turner Road, Colchester, CO4 5JL

The Committee considered an application for external works to facilitate future building projects within the hospital site, comprising an extension and alterations to the main access road within the site, as previously approved under 071906, the creation of additional/replacement parking bays for use by the disabled, and a hardstanding for a mobile scanning unit. The Committee had before it a report in which all information was set out, see also 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.

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

Michael Grove addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the requirement upon the hospital to implement bunding, fences and landscaping between the site and Beaumont Close. The current state of the mound of earth between the hospital site and Beaumont Close is causing distressing comments being made to residents about neglecting to keep the mound tidy; it was also detrimental to their properties. He requested that the Committee defer their consideration of the application and require the hospital to fulfil the earlier obligation in this respect prior to proceeding with any further building work until they fulfil the condition. He had spoken to the agent who had undertaken to ensure that the works were implemented prior to the road and under those circumstances he had no further objections.

Bob Ward, Director of Roff Marsh Partnership, Architects, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The new road was being built to allow an extension to the Accident & Emergency Unit and the Oncology Unit and replace lost parking, provide better access to mobile screening units and an area near Northern Approaches Road for use during construction. The bund and fences was not originally part of this application nor was it part of the approved road. It was part of the approved medical records application. Details have now been agreed and will be implemented when the new road is due to start. He sympathised with residents in Beaumont Road regarding the time it has taken but gave a reassurance that the Trust had every intention that the work would be carried out very shortly.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He had concerns about the way the hospital was developing. Mr Grove mentioned earlier planning applications in connection with the medical records building plus the bund, fence and screening. He was very disappointed that he had to ask the Highway Authority to order the hospital to clear the weeds so they did not encroach onto the footpath. Also the hospital had commenced construction of a footpath across the road from the Northern Approaches in January 2008 and the Highway Authority had to order the Trust to cease because they did not have the authority to build the works. As the ward councillor he was very concerned that they were not acting as good neighbours. He requested that work start on the bund on 1 November 2008 and the Trust provide a completion date in writing. He wanted a timescale in writing to ensure that residents are assured it will be completed. He was also concerned that the

hospital do not continue developing the site in a haphazard manner and considered it would be useful if their future plans were shared with the Council.

It was explained that the bund was part of the original boundary treatment but when the medical centre was being considered residents were looking for a fence and it subsequently evolved into a bund and a fence. When the application for the road was received there were issues of hospital traffic noise and the impact of the building. Permission for the road had not been implemented yet and the impact has therefore not been sustained. The bund and road works were scheduled to be carried out together. When the landscaping scheme is agreed work could commence and it should be implemented along with the boundary treatment. This would provide a guarantee that the works would be completed.

Members of the Committee wanted to reaffirm their wish that the Trust inform the Council of its plans for the hospital. There was general agreement that sight of the development plans would be helpful in providing an overall picture, whilst acknowledging that it may change. There was general disappointment at the way the Trust had treated the Planning Committee

RESOLVED (EIGHT voted FOR and TWO ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report.

85. 081118 Land to the rear of 110 and 112 Gosbecks Road, Colchester, CO4 3HT

The Committee considered an application for the erection of three new housing units off a shared private drive, a resubmission of application 073146. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for 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 Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

86. 081164 6 Blackwater Drive, West Mersea, CO5 8NJ

The Committee considered an application for a proposed pitched roof to existing garage. 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.

87. 081109 and 081113 Marlborough Head Hotel, Mill Lane, Dedham, CO7 6DH

The Committee considered a planning application and listed building application for the removal of an existing unauthorised rooftop kitchen extract duct and chimney and its replacement by a new extract duct and plant in an alternative position. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED that –

(a) Consideration of planning application 081109 and listed building application 081113 be deferred and the Secretary of State be advised that this Local Planning Authority are minded to grant planning permission and listed building consent as required by Circular 01/2001, arrangements for handling Heritage Applications.

(b) Upon receipt of confirmation from the Secretary of State that this Local Planning Authority may proceed to determine the applications, the Head of Environmental and Protective Services be authorised to grant planning permission and listed building consent with conditions and informatives as set out in the report, see also Amendment Sheet, together with any additional conditions required by the Conservation and Design Officer.

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

88. 081154 13 Park Road, Colchester, CO3 3UL

The Committee considered an application for a proposed single storey extension providing an additional bedroom requiring a change of use from a residential home, Class C3 dwelling house, to a nursing home for people with physical or mental difficulties, Class C2 residential institution. The application was a resubmission of application 080777. 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.

Robert Brain addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Minster Pathways own the home and run 40 such homes all over the country. This home provided sheltered accommodation for six residents, mostly elderly people with varying degrees of disability. The proposal was for a room with an en suite facility to benefit a particular

resident, and it would also improve the kitchen facilities and provide an office facility. Unfortunately the extra bedroom meant the use class of the home had to go from Class C3 to Class C2 but this was still a small unit. He appreciated the concerns about transport and extra staff, but no extra staff were required.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. The application form described the current use of the site as a residential home for old people. However, the Design and Access Statement referred to the existing use as a well established residential home for people with specific learning disabilities, these are not necessarily the same. The Design and Access Statement went on to state that clients were aged eighteen to sixty-five years old with physical or learning disabilities who required support and assistance with daily living skills; the client group had no mental health needs. He was surprised that there were no limitations on the client group. If this home was for mental patients with disabilities, a quiet residential area was not an appropriate area for it to be located; noise was an issue on this site. There was one patient who made a lot of noise and on occasions residents had to go round and ask for action to be taken. The entertainment of present residents also creates noise including loud music and there is noise on the changeover of staff. Neighbours cannot open their windows in their utility room because of the noise. Drainage is currently over loaded and a neighbour has asked for a separate sewage system to be laid by the applicant. Cheviots on the other side of no. 15 sits easily with 20 residents, currently no. 13 does not.

Members of the Committee had a number of concerns with the proposal. It appeared that the home was for people with learning difficulties; there was a considerable difference between people with a learning disability and those who were elderly. The home provided residential accommodation for vulnerable groups in the community and this proposal did not appear to comply with planning policy in that it did not have good access to a reasonable range of shops, services and job opportunities. The idea was that residents should be able to go in a wheelchair down to a shop but the property was quite a distance to the bus stop. The property had a very small back garden with no toys available; generally there was nothing on this small site for the patients. When residents were noisy it attracted complaints from neighbours. Residents who are noisy may be kept inside to keep the complaints down. The proposed extension narrowed the frontage which could be used as a place where residents could have quality time. This was not a suitable property for an institution and the proposal did not fit in with the area. Not enough was known about the change of use and whether the home would become a business as a result.

It was explained that Policy H2 sets out the locational characteristics of this type of operation. There should be amenity space provided. Residents could walk to Lexden Road where good bus services into town and amenities existed. Such homes were generally found in residential areas with potential noise impacts which were difficult to legislate for. It was clear that the Committee was not happy with the proposal and wanted further information, in particular clarity regarding the client base, the use of the garden, noise impacts and the implications of the change of use.

RESOLVED (UNANIMOUSLY) that the application be deferred for further information to be provided to the Committee.

89. Enforcement Performance Monitoring for the period 1 January 2008 - 30 June 2008

The Head of Environmental and Protective Services submitted a report detailing enforcement performance for the period 1 January to 30 June 2008 in respect of:-

- Enforcement action authorised by the Planning Committee,
- Enforcement appeals decided,
- Prosecutions,
- Enforcement notices served,
- Requisition for information notices served,
- Compliance with enforcement notices.

Richard Button, Planning Team Manager, attended to assist the Committee in its deliberations.

RESOLVED that the information provided be noted and officers in the Environmental and Protective Services be thanked for a very comprehensive report.

90. Richard Button, Planning Team Manager

The Committee were advised that Richard Button, Planning Team Manager, would shortly be leaving the Council after many years service, and this meeting would be the last that he would attend. The Committee wished to record their grateful thanks for the very professional and helpful way in which he had assisted them with their work over the years.

91. Amendment Sheet