

**PLANNING COMMITTEE
18 DECEMBER 2008**

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

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

171. Minutes

The minutes of the meeting held on 4 December 2008 were confirmed as a correct record.

172. 081848 Plots 13, 14 and 15, Halstead Road, Eight Ash Green

The application was withdrawn from consideration at this Planning Committee meeting by the Head of Environmental and Protective Services for clarification on matters concerning trees and landscaping. Comments are also awaited from the Highway Authority. The item will return to a future Committee.

173. 081889 Hallfields Farm, Manningtree Road, Dedham

The Committee considered an application for the conversion of a redundant farm office/workshop to a single storey dwelling. The application is a resubmission of permission F/COL/05/0902 which was still valid. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) 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.

174. 081794 Land between 16-19 Magdalen Street and Former Day Nursery, Brook Street, Colchester, CO1 2WA

The Committee considered an application for a new vehicular/pedestrian junction to Brook Street to provide a future access to residential development. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

175. 081915 Unit 4 Haven Road, Colchester, CO2 8HT

The Committee considered an application for a proposed change of use from a storage area to a three bedroom residential apartment, the occupation of which would be tied to the existing ground floor commercial use, currently a fish and chip shop. The application is a resubmission of application 081610. 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 legal agreement to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document, and for a deed of variation to an existing legal agreement that the occupation of the proposed apartment would be tied to the existing ground floor commercial use as a fish and chip shop.

(b) Upon receipt of a satisfactory legal agreement for a contribution towards Open Space and Recreational Facilities and a satisfactory deed of variation to an existing legal agreement to tie the occupation of the apartment to the existing ground floor commercial use, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

176. 081924 7-9 High Street, Wivenhoe, CO7 9BE

The Committee considered an application for a change of use from a vacated retail premises, Class A1 use to a gourmet grocer/coffee shop/gallery, mixed Classes A1/A3 use. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Councillor Nigel Chapman (in respect of having taken part in fundraising for Colchester Royal Grammar School) 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

177. 081934 Colchester Royal Grammar School, 6 Lexden Road, Colchester, CO3 3ND

The Committee considered an application for an access ramp to a swimming pool at Colchester Royal Grammar School. 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.

178. 081942 Little Acorns, Abbotts Lane, Eight Ash Green, CO6 3QL

The application was withdrawn from consideration at this Planning Committee meeting by the Acting Head of Environmental and Protective Services because legal advice has been received that the Council should refrain from determining this planning application until the uncertainty of who the owner of the strip of land at the edge of the development is has been resolved, see Amendment Sheet.

179. 081597 Smithfields, Peldon Road, Abberton, CO5 7PB

The Committee considered a retrospective application to rebuild a derelict structure for use as farm accommodation for students who stay at the site as temporary agricultural workers and an artists studio. 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.

180. 081677 The Food Company, 86 London Road, Marks Tey, CO6 1ED

The Committee considered an application for erection of a new building to replace an existing storage building. The application was recommended for refusal by virtue of the Highway Authority's response that the proposal should be refused as it would increase or change the use of an existing access on a Strategic Route. 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.

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

Mr Mark Lynch, the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The design of the proposed building had been negotiated over a long period on the basis that the Highway Authority would honour their original view that they would not object to the proposal on this site. Unfortunately, the Highway Authority has objected. When the existing pharmacy closes there will be a reduction in traffic. The proposed site will provide adequate off-road parking using an existing access, therefore no additional access will be required and on-road parking will be eliminated. The main issue with the existing pharmacy is the short term nature of the lease. If the application is refused an essential and much used local facility will be lost to the area and people will have to travel to a pharmacy in another area. He hoped the committee would be able to find in favour of the applicant.

Councillor Blundell attended and, with the consent of the Chairman, addressed the Committee. Marks Tey was designated as a local centre. The pharmacy currently has a three month rolling lease which is unsatisfactory because the pharmacy wants to make investments in it. The pharmacy owner has spoken to all other shops in the area to see if a lease might be available in the future. People use The Food Company car park which is safer than the pharmacy premises which is near a bus stop. The pharmacy plays a vital role in Marks Tey community providing general health advice and advice on smoking, and over the counter product sales. If it can move it will expand its facilities. Planning Policy considered the new location for the pharmacy would have minimal impact on the character of the area and is in favour of the application. Policy SD3 Community Facilities should be taken into account. If local people have to travel to the nearest alternative pharmacy which is some miles away in Stanway, their carbon footprint will increase. The only reason for the recommendation of refusal is the Highway Authority's views. She hoped that members will support the application and enable the pharmacy to move. This will be an 'on balance' decision on which conditions could be imposed.

Members of the Committee commented that the pharmacy was also a very important facility for neighbouring wards. It is a very busy shopping centre and the need for the pharmacy cannot be disputed. The new site is better with car parking already provided; twelve spaces being for general public use. From a policy point of view there is no difficulty because the 'open countryside' character of the land has long gone. Residents in Marks Tey can walk to the pharmacy on the same side of the road. There had been a suggestion that a pedestrian crossing could be sited there which would assist shops on both sides of the road and planning officers could raise this issue with Essex County Council. The three monthly rolling lease was unsatisfactory. Traffic moves slowly along the London Road and a pedestrian crossing might improve traffic flow. Whether there would be an illuminated sign and the preference for it to be switched off when the pharmacy was closed.

It was explained that advertisements would be subject to the usual controls but there may be special provisions for signs relating to a medical usage.

RESOLVED (UNANIMOUSLY) that the application be approved with any conditions required by the Head of Environmental and Protective Services including:-

- standard time limit
- materials
- use as pharmacy only
- amended plan including triangular window in front gable
- hours of use (as per submitted application form)

Note to Officers to write to ask the Highway Authority to consider pedestrian crossing in London Road in area of the proposal.

181. O/COL/01/0009 Garrison Urban Village // Deed of Variation

The Head of Environmental and Protective Services submitted a report requesting that the Committee endorse the deed of variation to the 299a legal agreement to provide for the amendments as set out in the report. The Committee had before it a report in which all information was set out.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

RESOLVED (MAJORITY voted FOR) that the proposed deed of variation to the original Section 299a legal agreement be endorsed to provide for:-

- the even distribution of affordable housing throughout the Garrison Urban Village development;
- the redistribution of parking spaces between the two public car parks in Napier Road;
- an alteration of the timeframe for the delivery on one of the LEAPs (play area) required within the Le Cateau and Cavalry Barracks development area.