

**PLANNING COMMITTEE**  
**15 JULY 2010**

- Present :-* Councillor Ray Gamble\* (Chairman)  
Councillors Peter Chillingworth\*, Helen Chuah\*,  
John Elliott\*, Andrew Ellis\*, Stephen Ford,  
Jackie Maclean, Jon Manning\*, Philip Oxford\*,  
Ann Quarrie\* and Laura Sykes\*
- Substitute Member :-* Councillor Peter Higgins for Councillor Theresa Higgins
- Also in Attendance :-* Councillor Sue Lissimore

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

**Councillor Ray Gamble (in respect of being a School Governor of St Johns C of E Primary 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) He made representations on the application in accordance with Paragraph 12 (2) of the Code of Conduct for Members and then left the meeting during its consideration and determination.**

**44. 100610 St Johns C of E Primary School, Clay Lane Grove, Colchester, CO4 0HH**

The Committee considered an application for the proposed construction of a single storey extension to form an enlarged office suite and reception, a proposed construction of a single storey extension to form an enlarged staff room, the associated internal alterations and the erection of new entrance gates and fencing to improve site security with associated external works. 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.

Councillor Gamble addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. There was unanimous acceptance of the need for the additional space this proposed construction would bring, but some residents had expressed various concerns about the erection of the new entrance gates. Following discussions between residents and school staff their reservations had primarily been allayed. Councillor Gamble asked that the Committee consider an extra condition that whilst work was ongoing, materials and construction vehicles must be retained on site.

**RESOLVED (UNANIMOUSLY)** that the application be approved with conditions and informatives as set out in the report, together with an additional condition that all materials and construction vehicles would be retained on site for the full duration of the construction works.

**45. 100684 International Farm Camp, Hall Road, Tiptree, CO5 0QS**

The Committee considered an application for an increase in the number of mobile homes from 30 to 55, the provision of access to Hall Road, service access roads, bases for 55 mobile homes, outdoor recreation, open space and amenity planting. Permission is also requested for occupancy of the mobile homes between February to November each year in order to meet the needs of the extended growing period. The Committee had before it a report in which all information was set out.

Nick McKeever, Planning Officer, attended to assist the Committee in its deliberations.

Mr. Allwork addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He said the camp changes significantly at different times of the year and was an inappropriate site that adversely affected property values and sales. Mr. Allwork said the new entrance created a dangerous exit and would not be used, with motorists preferring to use Hall Road as their main access. Allowing the new entrance appeared to contravene a 2004 planning application, the construction of four bungalows at the site of the new entrance, rejected due to concerns of traffic and safety.

Members of the Committee appreciated that the new site entrance would be dangerous and were concerned that Tiptree's Sewage Works, which they were being told by Anglia Water was full to capacity, would not cope with the additional use.

It was explained that the Highway Authority are satisfied with the application based on the level of usage information provided by the applicant, and Anglian Water had confirmed there is sufficient water resources and foul sewage network to accommodate this additional use.

*RESOLVED* (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report, with an additional condition regarding drainage, with officers to liaise with Anglian Water to provide a definitive statement of water resources and foul sewage network capability and capacity.

**46. 101046 Block E, Cowdray Centre, Mason Road, Colchester, CO1 1BP**

The Committee considered a retrospective application for a change of use from A1 to D2 (Assembly and Leisure) to run a full time martial arts club. 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.

Mr. Reynolds addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Mr. Reynolds opposed the application on the grounds of health and safety due to visitors to the building having

possible exposure to asbestos dust from the potential asbestos in the 1940s constructed building and the excessive fumes created by the Auto Trader business adjacent to the application site.

It was explained that whether the building was fit for purpose in regards to asbestos was covered by other legislation, not a matter of planning consideration, but for the Health and Safety Executive to determine.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions as set out in the report with an additional informative note to the applicant drawing their attention to the potential of asbestos in the building and the need to ensure this does not represent a health and safety issue.

#### **47. 101062 Lorkin Daniel Playing Field, Lexden Road, West Bergholt**

The Committee considered a Variation on Condition 09 of Planning Permission F/COL/00/1277 to vary hours of use on a permanent basis. 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.

Mrs. McSwenney addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Mrs. McSwenney, who lived opposite Lorkin Daniel Playing Field had no complaints about the facility that is very well managed. With no restriction on the use of times, Mrs. McSwenney was concerned that noise will become a problem during late evenings and asked that the hours of use be restricted to 10.00 p.m.

Mr. Gili-Ross, West Bergholt Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application, saying this was one of three main recreational areas managed by the Parish Council including playing fields, facilities and the Community Hall. Mr. Gili-Ross said the Parish Council has shown their capability for managing these facilities over many years and it would be illogical for the Parish not to manage the playing field.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions as set out in the report, with an added condition relating to the overall hours of use being between 8.00 a.m. and 10.00 p.m.

**Councillor Ray Gamble (in respect of being a former member of the Board of Governors of Friars Grove Junior and Infants School) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**48. 101086 Friars Grove Junior and Infants School, Upland Drive, Colchester, CO4 0PZ**

The Committee considered an application for the installation of one pair of metal framed gates within the existing perimeter fencing to provide access for maintenance vehicles etc. for Chalfont Road on the existing school playing field, and the construction of the associated crossover and standing area. The Committee had before it a report in which all information was set out.

Nick McKeever, Planning Officer, attended to assist the Committee in its deliberations.

Mr. Bidwell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Mr. Bidwell was concerned about the vagueness within the original planning application in regards to information on the access to the site both during and after completion of the works, with clarification needed on restrictions on certain types of vehicles and details of supervisory control.

Mr. Green addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application, saying it was necessary to enable the linking of the schools. There was no intention that the gates would be used by pupils or parents, but that the gates would remain locked with restricted access given by the school supervisors.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions as set out in the report, with the following additional conditions;

- i) The new gated access hereby permitted shall not be used in addition to the existing access currently used to maintain the school playing field and shall not be brought into use until such time as the existing access used to maintain the school playing field can no longer be used as a result of any proposals to extend the school, such as detailed in the submitted Design and Access Statement.
- ii) All construction vehicles and materials to be parked and/or stored on site.

**49. 091539 Land to rear of 185 Shrub End Road, Colchester, CO3 4RG**

The Committee considered an application for the change of use of log cabin from ancillary residential use to training room in connection with child care nursery. 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.

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

Mr. Shah, whose property is adjacent to land on which the cabin is sited, addressed the

Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Given the close proximity of his property to the cabin, he had major concerns on three issues, the possible misuse of the cabin the times of usage and the noise generated by the proposed training facility.

Mr. Stemp addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application, emphasising that the application is solely for the change of use of the log cabin, and that the conditions attached to the application would impose restrictions, which was not the case at present. Mr. Stemp said it was the intention that the cabin would only be used between the hours of 8.30 a.m. and 6.00 p.m. Monday to Friday.

Councillor Sue Lissimore attended and, with the consent of the Chairman, addressed the Committee. Councillor Lissimore said concerns about the use of this auxiliary building had been dragging on for many years, with its use bringing business much closer to the residents. Councillor Lissimore was also concerned that the students, fourteen to eighteen year olds, would be difficult to control during break times, causing disturbance to all residents in close vicinity to the cabin. Councillor Lissimore said that should the application be given temporary approval, could an extra condition be included to restrict the hours of use from 9.00 a.m. to 5.00 p.m. Monday to Friday.

Following discussions with officers, Members of the Committee remained concerned about the appropriateness of the cabin for its intended use, whether it was fit for purpose and large enough for up to 20 students at any one time. Members mentioned many areas of concern including, which of the two entrances to the cabin was the main entrance, ventilation, air cooling, sanitation arrangements, control of students during break times and hours of use. Officers advised that a deferral, in order to seek further clarification on the issues raised was an appropriate way forward.

*RESOLVED (UNANIMOUSLY)* that the application was deferred in order for officers to clarify the following:-

- The precise size of classes (Officer to note that Members consider 20 students to be too great and have suggested there should be no more than 15).
- The hours of use including an explanation as to why it is considered necessary to operate until 6.00 p.m.
- Access arrangements to the building including footpath improvements and lighting arrangements.
- How students are to be managed during breaks and where they will take them – e.g. will they be allowed to congregate immediately around the building or will they be required to go to another part of the site.
- Confirmation that the building is fit for purpose for a teaching establishment – including heating arrangements, ventilation arrangements, sanitation arrangements and work station requirements. Confirmation is required from Ofsted (or the appropriate authority) that the building is acceptable for teaching.
- Access arrangements to the building including the possibility of closing the door immediately opposite the neighbours fence for general use.
- Provide revised drawings showing the building as built.
- Provide highway comments.

**50. 100832 61 Empress Avenue, West Mersea, CO5 8BL**

The Committee considered an application for the change of use from dwelling house to a Bed and Breakfast house (C1) with three letting rooms. The Committee had before it a report in which all information was set out.

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

**51. Enforcement Action // The Chicken Shed, Meeting Lane, East Mersea**

The Head of Environmental and Protective Services submitted a report on proposed enforcement action in respect of the unauthorised residential use of part of an agricultural building should cease and the kitchen, bathroom fittings and all domestic belongings, together with the septic tank should be removed. The Committee had before it a report in which all information was set out.

Andrew Tyrrell, Development Manager, attended to assist the Committee in its deliberations.

Mr. Richardson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of enforcement action. Mr. Richardson, who occupies land on two sides of the Chicken Shed property said the building in question had developed from a Chicken Shed to a building for various industrial uses over the last ten years, and trying unlawfully to make this a place of residential use was a common 'Chicken Shed ploy'.

*RESOLVED* (UNANIMOUSLY) that an enforcement notice be served at the Chicken Shed, Meeting Lane, East Mersea requiring the cessation of unauthorised residential use of part of the agricultural building, and the kitchen, bathroom fittings and all domestic belongings together with the septic tank are removed from the building, all with a compliance period of six months.

**52. Enforcement Action // Plant Hire Site, Church Lane, East Mersea**

The Head of Environmental and Protective Services submitted a report on proposed enforcement action in respect of the unauthorised material change from storage of plant and machinery to a mixed use for storage and repair of plant and machinery. The Committee had before it a report in which all information was set out.

Andrew Tyrrell, Development Manager, attended to assist the Committee in its deliberations.

*RESOLVED* (UNANIMOUSLY) that an enforcement notice be served at the Plant Hire

Site, Church Lane, East Mersea requiring the cessation of the unauthorised mixed use of the building for storage and repair of plant and machinery, with a compliance period of six months.