

**PLANNING COMMITTEE
22 JANUARY 2009**

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

Substitute Members :- Councillor Laura Sykes for Councillor Helen Chuah*
Councillor Jon Manning for Councillor Chris Hall

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

188. Minutes

The minutes of the meeting held on 8 January 2009 were confirmed as a correct record.

Councillor Ray Gamble (in respect of his membership of the same branch of the Rotary Club as the public speaker, David Priest) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

189. 082056 Site at the corner of Norman Way and Lexden Road, Colchester

The Committee considered an application for prior approval for the erection of a 9.0 metre replica telegraph pole mast supporting a shrouded antennae unit containing three antennae, overall height including antennae support of 12 metres, radio equipment housing and ancillary development.

The Committee had before it a report in which all information was set out together with additional 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.

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

David Priest addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He objected to the proposal on the basis that the technology of mobile phone masts had not been proved safe. It was significant that objections had been raised by medical professionals. The precautionary approach for approving mobile phone masts acknowledged health concerns by requiring schools to be consulted in circumstances where the beam of greatest intensity would fall on school grounds. The site was close

to a number of schools and over 1800 pupils would pass this location twice a day. The location was also near a conservation area and PPG15 stated that masts should not be located in conservation areas and areas adjacent to them. He expressed concern that that Hilly Fields had not been fully investigated as an alternative site.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. He explained that the ward councillors had conducted widespread consultation with residents about this application and that there was widespread opposition to the proposal. Over 11% of households in east Lexden had indicated their opposition. The views of those who worked or studied in Lexden were also important and there was also opposition amongst these groups. There was widespread rejection of the government's position on health risks and there was concern that the precautionary approach advocated by government was being violated as the proposed location was close to a number of schools and in particular was on the main pedestrian and vehicular access to two schools.

Members of the Committee expressed a number of concerns about the proposal. The approach to assessing health risks set out in the report was noted, together with the fact that the emissions would be within ICNIRP guidelines. However, the Committee also took account of the precautionary approach and that if mobile phone masts were proposed to be located in school grounds, this could only be done with the consent of the school after consultation with parents. The Committee also took account of the draft Circular, Land Use Planning and Electromagnetic Fields, which accepted the validity of public perception of danger as a material planning consideration. The Committee noted that this particular location was close to four schools and was at the junction of Norman Way and Lexden Road which was the main access to two schools and a link to a third. Therefore a very large number of children would pass through the beam of greatest intensity on a twice daily basis. Given these factors, which were unique to this particular location, placing the mast at this point would result in a public perception of danger to health. The need for better coverage in the area was accepted and the ward councillors indicated their willingness to work with the applicant to find a more suitable location.

The Committee considered whether it should defer its consideration of the application for further consideration of alternative sites but noted that applications for prior approval needed to be determined within a fifty-six day period and would be granted if not determined. There was therefore no scope to defer.

Concern was also expressed about the visual impact of the proposal on the amenity of the area. There were already a number of signs, telecommunication boxes and other street furniture in the immediate vicinity of the location. An additional mast and box would only add to the clutter of street furniture and would have a detrimental impact on residential amenity.

RESOLVED that prior approval was required and be refused for the following reasons:-

- (i) Public perception of health dangers having regard to the proximity to a number of schools and the large number of school children who regularly use the section of

Norman Way where the beam of greatest intensity would fall (NINE voted FOR and THREE ABSTAINED from voting);

(ii) Unacceptable visual impact due to cumulative clutter of street furniture and resulting detrimental impact on residential amenity (NINE voted FOR and THREE ABSTAINED from voting).

In addition the applicant to be advised that Local Planning Authority was willing to negotiate to secure a suitable alternative site in the locality.

190. 081852 Hawkins Road, Colchester

The Committee considered an application for the erection of 63 residential units and 823 square metres of commercial floorspace with associated car parking and provision of river walkway connecting with Colne Causeway on land known as the Aim Hire site, Hawkins Road Colchester. The site formed part of the East Colchester Regeneration Area. The application was a resubmission of 080021.

The Committee had before it a report in which all information was set out, together with additional 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.

Members of the Committee requested that an additional condition be imposed requiring that all balconies be accessed via sliding doors, as these allowed the maximum use to be made of the balcony.

RESOLVED (ELEVEN voted FOR and ONE voted AGAINST) that the application be deferred in order that the written recommendation of the Environment Agency be received by the Council. If the Environment Agency did not raise an objection to the proposal (with or without the imposition of conditions) the Head of Environmental and Protective Services be authorised to issue a delegated planning permission, subject to the conditions set out in the report and additional conditions to deal with landscaping requirements and requiring sliding doors to serve balconies, following completion of the Section 106 Agreement as described in the report.

In the event that the Environment Agency objected to the proposal, the Head of Environmental and Protective Services be authorised to issue a delegated refusal of the application on the grounds identified by the Agency.

191. 081918 3 Darcy Road, Colchester

The Committee considered an application for revisions to dwelling approved on Plot 1 of development granted permission under 071668.

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.

192. 081820 49-51 North Station Road, Colchester

The Committee considered an application for the retention of a kitchen extractor fan and flue located on the rear wall of the property. The existing flue was positioned against a gable wall and rises to a height of around 7 metres.

The Committee had before it a report in which all information was set out.

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

Steve Garrett addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He expressed concern that the lack of control of development around his property had had a serious impact on his property. He had not complained before because he had assumed it had planning permission. This extractor was one of at least three in adjacent buildings. It was noisy, smelly and unsightly. The constant low level noise it emitted interfered with his quiet enjoyment of his property. He did not consider the proposal to paint it black would improve the situation significantly as it would not deal with issues of noise and odour.

Akin Hunter addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He appreciated that the extractor was unsightly. However this was a consequence of the work done at the request of Environmental Health to attenuate the noise issue. It could not be made less unsightly without compromising the efficiency of the extractor. However painting it black would make it less obtrusive. There were a number of take away food establishments in the area that contributed to the issues of odour and noise.

Members of the Committee expressed sympathy for the concerns expressed by Mr Garrett. The Committee discussed whether the extractor could be screened by soft landscaping. However, it was noted that there was insufficient room for the planting of any landscaping and the Committee took the view that the proposed conditions offered the best practical solution.

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

193. 082064 Stanway Green Lodge, Stanway Green, Stanway

The application was withdrawn by the Head of Environmental and Protective Services in advance of the meeting.

194. 081940 220 Maldon Road, Colchester

The Committee considered an application for the erection of a building in the rear garden of 220 Maldon Road, Colchester comprising a one bedroom annexe to provide accommodation for elderly parents.

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.

195. 081945 269 Bergholt Road, Colchester

The Committee considered an application for a change of use of the ground floor of the premises from an office to a beauty therapist studio.

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.

196. Performance Monitoring Report // Planning Application Determination, Appeals Analysis update and Planning Agreement Performance Update for period 1 October to 31 December 2008

The Head of Environmental and Protective Services submitted a report setting out the achievement levels for planning applications determined, an appeals analysis update and a planning agreement performance update for the period 1 October to 31 December 2008.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. He explained that:

- 'Major' application performance fell from 'above' to 'just below' the Government target in the period 1 October 2008 - 31 December 2008;
- 'Minor' and 'other' application performance continued to significantly exceed the relevant Government targets in the same period;
- The number of planning applications received had continued to drop and was below the number recorded in the previous quarter. There was evidence that the decline had plateaued;
- Appeals record (formerly BV204) had slipped since the previous quarter but overall remained on target (ie since April 2008);
- The delegated decision rate was reasonable but was below the 90% target;
- Legal agreement financial contributions receipts were significantly down.

Members of the Committee considered that the performance of the planning service over the period 1 October – 31 December 2008 had been very good, given the challenging economic climate. The Committee asked that in future reports, where details were given of successful appeals, it be made clear whether the original decision was taken under delegated powers or by Committee. The Committee also noted the delegated decision rate was below the national average and asked that consideration be given to amending the scheme of delegation so that it covered cases where objections were received but which did not raise significant planning issues. Ward Councillors would retain the ability to call applications in where necessary.

RESOLVED that –

- (i) the report be noted;
- (ii) in future reports, where details were given of successful appeals, it be made clear whether the original decision was taken under delegated powers or by Committee;
- (iii) consideration be given to extending the scheme of delegation including those cases where objection were received but which did not raise significant planning issues.