

**PLANNING COMMITTEE  
29 MAY 2008**

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

*Substitute Members :-* Councillor Michael Lilley for Councillor Stephen Ford  
Councillor Jackie Maclean for Councillor Wyn Foster  
Councillor Nick Barlow for Councillor Chris Hall\*

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

**Councillor Blandon, having declared a personal and prejudicial interest on one of the following applications, was not present for the determination of applications at minute nos. 27-29, 31 and 34-38, all of which were determined under agenda item 7(a), en bloc decisions.**

## **26. Minutes**

The minutes of the meetings held on 14 and 15 May 2008 were confirmed as a correct record.

## **27. 080547 Birchwood Road, Dedham**

The Committee considered an application for a ninety-nine bedroom express hotel by Holiday Inn on land at the rear of the petrol filling station on the A12/Birchwood Road junction to the east of the southbound carriageway of the A12. It was formerly the site of the Birchwood Hotel which existed until the mid 1980s when it was destroyed by fire. Since that time planning permission had been granted for a 98 bedroom hotel and renewed on three occasions, most recently in 2003.

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 –

- (a) Consideration of the application be deferred for a response from the Trees and Landscape Section that there are no objections from the Tree Officer or to the revised landscape scheme.
- (b) Upon receipt of a satisfactory response from the Trees and Landscape Section, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report.

**Councillor Mary Blandon (in respect of her friendship with one of the applicants) 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.**

**28. 080795 Gablehays, Beech Hill, Colchester, CO3 4DU**

The Committee considered an outline application for the erection of two detached houses on part of the rear garden of Gablehays. The matters for approval are access, scale and the layout; the appearance and landscaping are to be the subject of reserved matters.

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 a Unilateral Undertaking to provide 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 Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report, together with informative entitled 'Advisory Note for the Control of Pollution during Construction and Demolition Works'.

**29. 080806 36 Chinook, Highwoods, Colchester, CO4 9SZ**

The Committee considered an application for a first floor side and two storey rear extension providing a playroom and enlarged kitchen, bedrooms and bathroom. The application was a resubmission of 071730.

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.

**30. 072716 Land at Cannon Road/Cannon Street, Colchester, CO1 2EW**

The Committee considered an application for the demolition of Cannon House and existing buildings on the scrap yard and the erection of eleven two-bedroomed houses with a new access to Cannon Street and the stopping up of the existing access onto Cannon Road. The application was a resubmission of 071707 including a revised design and layout, access road and parking.

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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Councillor T.Higgins attended and, with the consent of the Chairman, addressed the Committee expressing her concerns regarding the proposed loss of Cannon House and the consequence for local residents of the road being widened as a consequence. This would lead to the loss of parking restrictions on both sides of Cannon Street which was likely to lead to the complete blocking of the road as a result of parked cars. Her preference was for Cannon House to be sympathetically restored thus retaining part of the heritage of New Town.

Members of the Committee also had concerns regarding the use of the street as a short cut by motorists and were of the view that representations should be made in order to seek the retention of parking restrictions on both sides of the road for this reason. Concerns were also expressed regarding the use of the street by construction traffic especially at peak times of the day.

It was explained that Cannon House was not considered to be of sufficient architectural value to be retained.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for a Section 106 legal agreement to provide the following contributions:-

- a contribution of £29,347.78 towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document,
- a contribution of £8,500 towards community facilities, Hythe Community centre, and
- Highway Travel packs.

(b) Upon receipt of a satisfactory Section 106 legal agreement, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report, together with an additional condition requiring the submission of a scheme in respect of the construction restricting deliveries to such times as shall be agreed and specifically to avoid peak times and the submission of a request to the Highway Authority seeking their agreement to the restoration of parking restrictions in Cannon Street following the widening of the road and appropriate control measures to deter through traffic.

### **31. 072744 6 High Street, West Mersea, CO5 8QD**

The Committee considered an application for the erection of a three bedroom dwelling

and double garage on part of the rear garden of no. 6 High Street. The front entrance would be at first floor level with the building effectively appearing single storey from the front elevation. The ground falls away steeply to the rear resulting in two storeys towards the beach.

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 the dating of the submitted Unilateral Undertaking to provide a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document and for the resolution of flood risk issues to the satisfaction of the Environment Agency

(b) Upon receipt of a satisfactorily dated Unilateral Undertaking and the satisfactory resolution of flood risk issues, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report.

### **32. 072831 Area H, The Sergeants Mess, Abbey Field Urban Village, Le Cateau Road, Colchester**

The Committee considered an application for the conversion of the Sergeants Mess into eight townhouses and the conversion of the Education Building into four two-bedroom flats, two three-bedroom town houses and one four-bedroom town house, together with associated parking, access and public and private amenity space.

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, Conservation and Design Officer, attended to assist the Committee in its deliberations.

Mr Taylor, on behalf of Taylor Wimpey Developments Limited, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He confirmed that considerable negotiation had taken place in order to secure public access to the site of the Roman Circus but also bearing in mind the amenity of the sites' future residents.

Councillors T. Higgins and Hunt attended and, with the consent of the Chairman, addressed the Committee. Both Councillors were of the view that the number of days which had been agreed for public access to the Roman Circus was inadequate, bearing in mind its national archaeological importance. Councillor Hunt was of the view that the conversion of the building was sufficiently extensive as to warrant its treatment as a new build thus requiring its location more than ten metres from the site of the Roman Circus. He was also opposed to the garden area fronting the building being

walled to prevent open access. Councillor T. Higgins was of the opinion that more should be done to keep the site of the Roman Circus in the public domain and was of the view that certain other consultations in relation to the Roman Circus Management Plan needed to take place prior to the determination of this application.

Members of the Committee were concerned regarding the apparently piecemeal approach being adopted in relation to the various elements of the Roman Circus. They were also of the view that large numbers of members of the public would wish to look and walk along the surface of the Circus but that two days a year for this purpose was inadequate.

It was explained that the garden fronting the former Officer's Mess was intended to be a walled communal area for residents, similar to a town square. English Heritage had not placed any particular requirements upon the scheme in respect of public access and, in any event a firm of consultants had recently been appointed by the Council to look at the wider interpretation of the Roman Circus as a whole.

*RESOLVED* (UNANIMOUSLY) that consideration of the application be deferred to enable further information to be presented regarding the Museum Services review of the Colchester Roman Circus Management Plan and further negotiations with a view to seeking the opening of the site to the public on more than two occasions each year.

### **33. 080339 34 Fingringhoe Road, Langenhoe, CO5 7LB**

The Committee considered an application for three two-bedroom bungalows and seven three-bedroom bungalows with associated garaging. The site comprised the property known as 34 Fingringhoe Road together with parts of the rear gardens of nos. 30, 32, 36 and 38 Fingringhoe Road.

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

Alistair Day, Conservation and Design Officer, attended to assist the Committee in its deliberations.

Mr Groves addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application, explaining his concerns regarding drainage on the site and on adjacent sites. Mr Groves stated that existing problems existed regarding the ability of drains in the vicinity of this site to cope with periods of heavy rainfall and he expressed his surprise that Anglian Water had not commented on this issue as part of the usual consultation exercise.

It was confirmed that Anglian Water had not raised concerns regarding the application but that a scheme for surface water drainage was required to be submitted which may well take the existing flooding issues into account.

*RESOLVED* (TWO voted AGAINST) that –

- (a) Consideration of the application be deferred for the dating of the submitted

Unilateral Undertaking to provide a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory dated Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report, together with informative entitled 'Advisory Note for the Control of Pollution during Construction and Demolition Works'.

#### **34. 080770 Tesco Stores, Highwoods Square, Colchester, CO4 9ED**

The Committee considered an application for an extension to the existing foodstore to provide optician and pharmacy facilities. There would be no division from the main food retail store and no external entrances serving the facility. On this basis the planning unit has not been subdivided and the use is considered to be ancillary, therefore, the application is for physical extensions and alterations to the existing store. The hours of use requested are midday to midnight from Monday to Friday, from midday to 8pm on Saturdays and from 10am to 4pm on Sundays.

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, together with informative entitled 'Advisory Note for the Control of Pollution during Construction and Demolition Works'.

#### **35. 080740 36-40 Crouch Street, Colchester**

The Committee considered an application for a change of use of three retail units from A1 to A1 to A2 inclusive. The application is a resubmission of 072948. The application proposes the change of use from as yet unused A1 (retail units) to A2 (financial and professional services). The original proposal sought change of use to A3 (restaurant).

The Committee had before it a report in which all information was set out. The site is the former Cash Converters shop.

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

#### **36. 080760 Seaview Holiday Park, Sea View Avenue, West Mersea, CO5 8DA**

The Committee considered an application for a variation of Condition 8 of planning permission COL/93/0582 to allow for extended opening hours of the shop and snack bar to 8am to 9pm, May to September only.

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.

**37. 080793 Woolwich House, 8 Culver Street West, Colchester, CO1 1JD**

The Committee considered an application for a change of use of the former Woolwich Building Society premises to an adult gaming centre, otherwise known as an amusement arcade.

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, subject to the deletion of Condition 3 and its replacement with the following:

“The proposed new shop front shall be subject to a separate planning application and the applicant is advised to liaise with Colchester Borough Council prior to submission of this application.”

**38. 072543 East Donyland Shooting Club, High Street, Rowhedge, CO5 7ET**

The Committee considered an application for the continued use for a further 3 years of a shooting range for full bore pistol, small bore rifle, pistol calibre rifle range for practice and shooting on Mondays to Sundays with air weapons on Sundays.

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

*RESOLVED* that –

(a) Consideration of the application be deferred to allow the expiry of the 21 day call-in period to commence after notification has been given to the Health and Safety Executive that the Council is minded to grant a further temporary permission.

(b) Upon expiration of the call-in period and subject to there being no adverse comments from the Health and Safety Executive, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report.

**39. 072723 6 Grange Farm Road, Colchester**

This application was withdrawn from consideration at this meeting by the applicant who no longer had an interest in the site.

#### **40. Clarification of Legal Agreement // St Albrights, 1 London Road, Stanway**

This report was withdrawn from consideration at this meeting by the Head of Planning, Protection and Licensing for further clarification; the matter would come back to Committee for its consideration at a future date.

#### **41. Enforcement Action // Land at 25 Straight Road, Boxted**

The Head of Planning, Protection and Licensing submitted a report seeking authorisation to take enforcement action for all storage use to cease and all plant, machinery and materials to be removed from the land and the bunds to be levelled. The Committee had before it a report in which all information was set out.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations.

*RESOLVED* that an enforcement notice be served with a compliance period of two months requiring all storage use to cease and all plant, machinery and materials to be removed from the land and the bunds to be levelled.

#### **42. Enforcement Action // 42 Peppers Lane, off Straight Road, Boxted**

The Head of Planning, Protection and Licensing submitted a report seeking authorisation to serve an Enforcement Notice in respect of the unauthorised change of use of agricultural land to builders and reclamation yard and the unauthorised change of use of agricultural land to domestic curtilage. The Committee had before it a report in which all information was set out.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations.

It was explained that the amendment sheet contained further details submitted by the agent for the owner seeking consideration of an offer originally made in February 2008.

*RESOLVED* that an Enforcement Notice be served with a compliance period of three months in respect of fields to the north and to the south of Peppers Lane, Off Straight Road, Boxted for the cessation of the use for storage of building and reclaimed materials on the agricultural land, the removal of all domestic paraphernalia from the agricultural land, and the removal of all associated development, including hardstand, bund, the garden building and mobile home and the restoration of the land to grass.