

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
18 December 2008 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the press)

**Pages**

**10. Amendment Sheet**

See Final Amendment Sheet.

**No Page  
Numbers**



# **AMENDMENT SHEET**

**Planning Committee  
18 December 2008**

## **AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED**

**LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS  
AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED**

7.1 081848 – Halstead Road, Eight Ash Green

**This application has been withdrawn from Committee for clarification on matters concerning trees and landscaping. Comments are also awaited from the Highway Authority. The item will return to a future Committee.**

7.2 081889 – Hallfields Farm, Manningtree Road, Dedham

**The additional conditions and informative are also recommended for this item:**

### **A7.4 Removal of ALL Permitted Development Rights (residential)**

**Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the local planning authority.**

**Reason: The existing character of the converted barn could be prejudiced by future extensions and alterations and further consideration would need to be given to further development at such a time as it was proposed.**

**Informative: PLEASE NOTE that the permission is solely for the conversion of the existing building as described and not for its demolition and replacement, which would require a separate permission if such a proposal were intended. If the buildings was demolished then there would be no building to convert and the permission could not be implemented.**

7.3 081794 – Former Day Nursery, Brook Street, Colchester

Members are advised that the address for this application should read as follows:

'Land between 16-19 Magdalen Street and Former Day Nursery, Brook Street, Colchester.'

**Furthermore it is recommended that the following condition be added to any planning permission granted:-**

**“Prior to the commencement of development the applicant shall commission and fund the provision of an archaeologist nominated by the Local Planning Authority. The Local Planning Authority shall be notified not less than 48 hours before the commencement of any work on site and the developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him to observe the excavations and record items of interest and finds**

**Reason: To ensure that any remains of archaeological importance are properly recorded.”**

This condition is proposed as the site lies immediately adjacent to the site of the medieval leper hospital of St Mary Magdalen.

Lastly, the reason attached to Condition 05 on the agenda is incorrect and should be amended to read:

“To ensure a satisfactory form of development and in the interests of visual amenity.”

7.5 081924 – 7-9 High Street, Wivenhoe

**The applicant has submitted additional information as follows:-**

**“Policy and Procedure**

**We believe all normal council policies and procedures have been carried out.**

**Diversity not Duplication**

**We are not opening a Tea room or a Delicatessen.**

**We are adding something new and vibrant to the town.**

**Other Objections**

- 1. Table space will be made available for people with mobility issues downstairs.**
- 2. There is a separate toilet included in the lease of the building which will be and has always been available for employees and customers, this is conveniently located to the side of the building.**

3. Outside storage for waste/wheelie bins is conveniently and discretely located on private land currently used for commercial and refuse storage approximately 20 metres from the front door of the building.
4. A Ventilation/Extraction plan has been drawn up and a Ventilation/Extraction statement has been sent to the Environmental Control Officer Mr David Martin for his review.”

4 additional letters of objection have been received. The objections not previously commented on are as follows:-

1. Lack of detail – ventilation system. How will food be prepared – a large counter will affect the interior of the building. Espresso machines are noisy.  
*Officer Comment: There are conditions in place requiring the submission of details of any extraction system.*
2. Inadequate parking  
*Officer Comment: This would apply throughout this Centre.*

The proprietors of the Tudor Tea Rooms and The Village Delicatessen have submitted a petition against the proposal. This is on the basis of the need for more retail businesses on the High Street and more diversity. The petition contains 41 signatures.

#### **Additional Report**

The Wivenhoe Town Report, published in October 2008, states that 70% of the residents who commented wish to see more shops and that 68% stated that these should be provided within the High Street and Lower Wivenhoe. Overall there is considerable support for the retention of existing shops and services.

This Report is in line with the Local Development Framework Core Strategy CE2C(c), as referred to in the main body of the Committee Report.

The retention of an A1 use within part of the site accords with the findings of the Wivenhoe Town Report and Policy CE2(c).

#### **Amend Condition 11**

**Add – no internal or external alterations shall be carried out.  
Add to reason and Listed Building Consent.**

7.7 081942 – Little Acorns, Abbotts Lane, Eight Ash Green

Since the agenda was published The Planning Service has received a letter and ownership plan from the owner of the field, Mr Revett, asserting that he owns the land on which the trees are located. Both the applicant and Mr Revett's plans claim ownership of the land on which the trees are located. Your Officers have taken advice from Legal Services on this matter. The Planning Solicitor's advice is as follows:

"Following our meeting earlier today, regarding the above matter, I now write to confirm my advice; namely that given the Council's awareness of the boundary dispute, it would be imprudent to proceed with this application at Thursday's committee meeting. The Council has an obligation to take into account all material planning considerations and representations made by an owner constitutes a material consideration, irrespective of whether those representations were received after the statutory period of 21 days.

I understand that the Council granted permission to the Applicant in 2006 under planning reference number O/COL/06/0917 for the erection of a bungalow. However, it has since come to light that the extent of the Applicant's land may be inaccurate and although, this is a private matter which needs to be dealt with between the Applicant and Farm owner, the Council is best advised to refrain from determining the planning application, until that matter is resolved.

Furthermore, the local authority must be satisfied when granting planning permission that permission is given to either the owner or the tenant who has the owner's authority to exercise the planning permission. In this case, we are unsure of who the owner of the strip of land at the edge of the development is, and therefore must refrain from making a decision."

For these reasons this item is withdrawn from the agenda by the acting Head of Environmental and Protective Services. Both the applicant and farm owner have been advised of this action.

7.9 081677 – The Food Company, 86 London Road, Marks Tey

Additional comments by Councillor Mrs Blundell:-

“Firstly, as referred to under para 4.0 (Relevant Planning History), when the Food Company was granted planning permission in 1999 under F/COL/99/0617, 12 parking spaces on the site were allocated to be used by local shoppers at the shopping parade on both sides of London Road – so for the best part of the last 10 years pedestrians have been moving back and forth across this road already without (to the best of my knowledge) any accidents having occurred.

Secondly, the Highways Agency in the final line of para 9.4 (Other Material Considerations)...’has also stated its concern that the proposal will result in additional crossing movements of the London Road (from the main parade of shops) in an area where no formal pedestrian crossing facility exists.’ From the comment I have gathered the inference that the Highways Agency feels that perhaps a formal pedestrian facility should be installed there – if this is the case, then I would be happy to pursue this matter with them.”