

**PLANNING COMMITTEE  
6 AUGUST 2009**

*Present :-* Councillor Stephen Ford\* (Chairman)  
Councillor Sonia Lewis\* (Deputy Mayor)  
Councillors Helen Chuah\*, Mark Cory\*,  
John Elliott\*, Theresa Higgins\*, Jackie Maclean,  
Jon Manning\* and Ann Quarrie\*

*Substitute Members :-* Councillor Laura Sykes  
for Councillor Mary Blandon\*  
Councillor Richard Martin  
for Councillor Andrew Ellis\*  
Councillor Peter Higgins  
for Councillor Ray Gamble

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

### **63. Minutes**

The minutes of the meeting held on 23 July 2009 were confirmed as a correct record.

### **64. 090331 Ribbons, Maypole Road, Tiptree, CO5 0EJ**

The Committee considered an application for the construction of a new two bedroom detached bungalow in the rear garden of Ribbons, Maypole Road, Tiptree. 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 the application be refused on the grounds that it is contrary to policies PPS1, PPS3, UR2 of the Core Strategy and DC1 and UEA11 of the Local Plan, specifically:

- the principle of backland development is considered to be unacceptable, irrespective of the adjacent site;
- the proposal fails to meet current highway safety requirements by depriving the existing dwelling of a workable vehicular access and could result in vehicles having to wait within the carriageway while opposing vehicles leave the existing access;
- the proposal fails to provide a workable vehicular turning space for the

new property so vehicles cannot enter and leave the property in a forward direction; and

- the proposal does not provide the minimum amenity space.

**Councillor Theresa Higgins and Councillor Jackie Maclean (in respect of her acquaintance with the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**65. 090738 and 090739 Green Farm Barn, Copford Green, Copford**

The Committee considered a planning application and a listed building application for a full repair to the main barn and a subsidiary barn, the demolition of a large modern granary structure and two small modern outbuildings and the conversion of the main barn to a residential use and conversion of the subsidiary barn to a commercial drama studio. The two applications are resubmissions of 082059 and 082060 respectively. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. With respect to the barn conversion to a dwelling, it included the insertion of full height glazed midstreys to get as much light into the building. As much as was possible of the volume of the internal space would be retained. Bedrooms and bathroom would be located at first floor level. With respect to the conversion of Barn 2 to a drama studio, it comprised a service area, a studio area and car parking. There was a service road around the perimeter of the site with an entrance/exit onto the highway at each end, and the Highways Authority required service vehicles to enter at one entrance and leave by the other in the same direction. An attempt had been made to find an alternative commercial use for the listed barn to maintain the structure which had failed.

Members of the Committee were concerned about the potential for noise nuisance from the proposed drama studio and preferred that it be sound proofed to avoid the risk of such nuisance occurring in the future. It was also suggested that more recent technology had overtaken CD players and these should also be included in the condition regarding the use of voice/music players. It was explained that it would be possible to add a condition for soundproofing to Barn 2. In response to a query about the location of the car parking area for Barn 2, it was explained that the car park was sited away

from the listed building and the garden of Shire Barn. There were concerns about accessibility to Barn 2 and the lack of provision of disabled parking, but upon inspection of the plans it was considered there was provision for access by disabled users into the barn and a parking space could be widened to provide for disabled users of the facility.

*RESOLVED* (UNANIMOUSLY) that in respect of planning application 090738:-

(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, see also Amendment Sheet, together with the following additional conditions/amendments to conditions:

- additional condition requiring details to be submitted for a sound proofing scheme for Barn 2;
- condition restricting the use of Barn 2 to a drama studio shall be expanded to specifically exclude its use as a dance studio;
- condition restricting the use of a single standard domestic CD player shall be expanded to include other domestic music equipment such as i-Pods and MP3 players;
- condition regarding noise levels shall be redrafted in order that the noise level at the boundaries of the site are properly quantified;
- a note to be added to the decision notice advising the applicant that Barn 2 shall be made accessible by disabled persons and a car parking space for use by disabled persons shall be made available and retained thereafter.

*RESOLVED* (UNANIMOUSLY) that in respect of listed building application 090739, consent be granted with conditions and informatives as set out in the report.

## **66. 090786 Wormingford Road, Wormingford, CO6 3NS**

The Committee considered an application for the continued use of land for storage of sealed metal containers for storage of domestic contents and siting of two additional containers. The Committee had before it a report in which all information was set out.

*RESOLVED* (UNANIMOUSLY) that, subject to the receipt of accurate revised drawings and to no objections from the Highway Authority and to conditions and informatives as set out in the report, the application be approved for a further temporary period of 3 years ending on or before 31 August 2011.

**67. 090822 47 Belle Vue Road, Wivenhoe**

The Committee considered an outline application for a new three bedroom dwelling on land adjacent to the site address in respect of scale and access; all other matters including, siting, design and landscaping are reserved for further consideration. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. Off-street car parking was provided by means of a shared drive through to the rear garden where a double garage and turning area was located to serve the existing dwelling at no. 47 and the proposed new dwelling at no. 49. A parking turntable had been part of a previous scheme but there is no reference to a turntable in the current scheme.

Members of the Committee expressed concerns about a possible impact on the amenity of neighbours from the off-street parking arrangement, but it was explained that it was unlikely to affect the amenity of anyone other than the occupiers of the two dwellings it served. It was suggested that the garages be located further back into the rear garden to allow sufficient space in front of the garages for parking second vehicles and turning, but this could impact on the occupiers of properties in Stanley Road. Members of the Committee were reminded that this was an outline application for scale and access only and that issues regarding design would need to be considered as part of the reserved matters application.

*RESOLVED* (MAJORITY voted FOR) that the outline application be approved with conditions and informatives as set out in the report.

**68. 090833 and 090834 26 North Hill, Colchester, CO1 1EG**

The Committee considered an application for an advertisement, 090834, and a listed building application, 090833. The applications are for a new fascia sign to a restaurant. The application included elements of a hanging sign which was non-existent, and swan necked lighting, for which detail was insufficient so these two matters were specifically excluded from any consents. The Committee had before it a report in which all information was

set out, see also Amendment Sheet.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. A fascia had been in this position for some years however following a recent fire the fascia had been replaced in an orange colour which, together with swan-neck lighting brackets, are both unauthorised. The proposed new colour of the fascia is ocean blue which was considered to be more appropriate for the listed building.

John Egan addressed the Committee on behalf of Colchester Civic Society and objectors to the application pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He did not believe the sign was either appropriate for a listed building nor did it make a positive impact on the area. A fascia can add interest and variety in a street but this one did not. If this low standard of fascia were to be allowed others will slip through on the grounds that they are not any worse. He wanted a high standard to prevail. There are other well designed and restrained fascias in North Hill and the High Street for the owner to emulate.

Members of the Committee questioned if the new design was acceptable in the conservation area. It seemed to be excessively large for the building when compared with the adjoining fascia and it was queried whether this there had been a similar sized sign since the planning permission in 1960 when the unit became a car showroom. It would have been preferable if the owner had consulted the planning service prior to installing the sign. Other members of the Committee considered the sign to be more attractive than the existing and to be sympathetic and fit in well in the area.

It was believed that the sign had been the same size and form since the 1960 permission and now occupiers have applied boarding over the fascia and the sides in a bright orange material and added illumination. The size and type is established but the colour has changed and swan neck lights added. Some shop owners do ask for advice on shop signs.

*RESOLVED* (MAJORITY voted FOR) that application 090833 for listed building consent be granted with conditions and informatives as set out in the report, see also Amendment Sheet.

*RESOLVED* (MAJORITY voted FOR) that application 090834 for advertisement consent be granted in respect of the new proposed fascia signage only with conditions and informatives as set out in the report, see also Amendment Sheet.

**69. 090668 Fishponds Field, Shop Lane, East Mersea,**

The Committee considered an application for alterations and extensions to an existing stable block and the erection of a manege. 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, see also Amendment Sheet.

#### **70. 090699 and 090700 3 Church Street, Colchester, CO1 1NF**

The Committee considered planning application, 090699, and listed building application, 090700, for a change of use from A2 (Professional Services) to a mixed use of A3/A4 (Restaurant and Bar), the demolition of an unsightly 20<sup>th</sup> century rear flat roofed extension and reconstruction of new extension, and minor associated works to the interior of the original building. The applications are resubmissions of 081552 and 081555 respectively. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

John Egan addressed the Committee on behalf of Colchester Civic Society pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He reiterated the comments of the Colchester Civic Society set out in the report. They were supportive of the restaurant use but not of the drinking establishment use. The access statement states it will be used principally as a restaurant with no intention of it becoming a drinking establishment and he wanted the stated intention to be made a condition. Once permission is granted it cannot be taken away and any subsequent owners have permission for a drinking establishment. Colchester Civic Society want a diverse town centre. If the impact on residents is not taken into account the authority would be failing in its duty to protect them.

Members of the Committee compared this application with a similar one in the High Street which was resisted because there were too many restaurants taking the town centre area over 70%. There was support for a condition to prevent it from becoming predominantly a drinking establishment. Members hoped it would be a restaurant of quality.

It was explained that the High Street has a different designation and that change of use was from retail to restaurant. This is a listed building and the

internal layout comprises a series of rooms more suited to the restaurant use with the bar areas being a subsidiary element. There is a location factor because the premises is close to theatres and thus more suited to restaurant use than drinking establishment. If there are concerns a condition could be added to the effect that it is approved for mixed use and the balance should not go more in favour of A4 drinking establishment use. Residents' views are taken into account. The application does not refer to dancing or any other forms of entertainment which may be termed a venue. It will be run as a European style facility offering restaurant services from coffee and pastry to a full meal or a glass of wine. A full menu will be available at all times. It was confirmed that there was a lift, disabled toilets and a level threshold access.

*RESOLVED* (UNANIMOUSLY) that in respect of planning application 090699, the application be approved with conditions and informatives as set out in the report, see also Amendment Sheet, plus an additional condition to require maintenance of the mixed use and to prohibit a dominance of drinking establishment use.

*RESOLVED* (UNANIMOUSLY) In respect of listed building application 090700, the application be approved with conditions and informatives as set out in the report, see also Amendment Sheet.

## **71. Enforcement Report // Buffalo Tradings, 12 Barrack Street, Colchester**

The Head of Environmental and Protective Services submitted a report on proposed enforcement action requiring the removal of shutters at 12 Barrack Street, Colchester with a compliance period of three months.

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.

Mr Balamathima addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposed enforcement action. He was away for some time and only came back 6 months ago. He asked for a twelve month period of time in which to remove the shutters and be able to arrange for new shutters. He has been advised that he cannot have flat shutters because of the size of the shop.

In response to a query from members of the Committee it was confirmed that it would be possible for the applicant to put in an application for replacement

shutters within the three month period. If the applicant put in an application shortly before the expiry of the three months it was confirmed that the authority would still go ahead with the enforcement action.

*RESOLVED* (MAJORITY voted FOR) that an enforcement notice be served at 12 Barrack Street, Colchester, requiring the removal of shutters with a compliance period of three months.

## **72. Enforcement Report // Hip Hop Heaven, 3 Montrose House, Eld Lane, Colchester**

The Head of Environmental and Protective Services submitted a report on proposed enforcement action requiring the removal of shutters at 3 Montrose House, Eld Lane, Colchester with a compliance period of three months.

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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. These premises were in the conservation area. The proprietor was advised of alternatives and at one stage was going to replace with demountable shutters. An application for retention of the shutters was refused and it is now recommended that the structure be removed.

Members of the Committee were very concerned about this and requested that some thought be given to assisting shop keepers in an area where increasingly higher levels of security is required. This is a problem which needs to be addressed through planning channels. The shutters in situ act as a ledge for pigeons. It was agreed that some guidance was required. It would be possible for the planning service to produce some guidance within three months. Solid shutters give a wrong impression to people in the area but it needs a balance between security and good aesthetics. There was a need to think about how to design a modern shop front to integrate a security grill.

In this case members wanted to extend the period of time for compliance to six months in order that the proprietor could have the benefit of the guidance to be produced.

*RESOLVED* (MAJORITY voted FOR) that –

- (a) an enforcement notice be served at 3 Montrose House, Eld Lane, Colchester, requiring the removal of shutters with a compliance period of six months; and
- (b) the planning service be requested to produce a guidance note on ways



in which security grills can be incorporated into modern shop fronts without detriment to conservation areas or causing a feeling that the area is unsafe, to be available within three months of the date of this committee meeting.