

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
15 April 2010 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

9. Amendment Sheet

83 - 87

See Amendment Sheet attached

AMENDMENT SHEET

Planning Committee
15 April 2010

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

7.1 091651 – Colne View, Colchester

A further representation and sketch plan (available to view on the Council's website) has been received from a local resident that raises concerns about the parking provision for the scheme and the current problems experienced. The representation identifies that the periphery of the site for this application is currently used for parking purposes and that these vehicles will be displaced if the development goes ahead. It is also noted that residents' cars currently obstruct the roads in the vicinity and this problem will be exacerbated if this development goes ahead. It is estimated that 20-25 additional car parking spaces will be necessary to cater for existing (unmet) demand and the proposed development.

Officer comment: The issue of parking provision is discussed in the report presented to Members for consideration.

7.2 100302 – Development Site, 1-4 Kingsland Beach, West Mersea

Agent has provided the following information relating to amenity space and density of the proposed new flats:-

- Total private amenity space is 201m². If taken altogether this exceeds the amount required for 5 units (25 m² x 5 units = 125 m²).
- The private amenity space is broken down as follows:
 - Flat 1 - 56.9m²
 - Flat 2 - 59.3m²
 - Flat 3 - 55.3m²
 - Flat 4 - balconies total 21.9m²
 - Flat 5 - 7.6m²
- Development area is 0.0915ha.

This gives a density of approximately 55 dwellings per ha.

Additional condition:-

“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 gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the site to be occupied by the new flats hereby approved other than as shown on the approved drawings. Furthermore no freestanding buildings shall be erected or other chattels shall be stationed or stored within the aforementioned site without the prior written permission of the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and in order to safeguard the visual amenity of area.

7.3 091092 – The Rectory, Church Lane, Marks Tey

Informative to be added:-

“The boundary treatment between the existing dwelling (The Rectory) and the proposed new dwelling shall be a brick wall; a close-boarded fence will not be considered an appropriate form of boundary treatment.”

7.5 100336 – North Farm Barn, East Road, East Mersea

Environmental Control has confirmed that it has no objection to the proposal but would require the imposition of the following condition on the grant of any permission:

‘The noise emission (LA90, 10 minute) from the wind turbine at any property (including gardens) shall not exceed the greater of 35dB(A) or 5dB(A) above background noise (LA90, 10 minute) during the period 07:00 hours to 23:00 hours and shall not exceed the greater of 43 dB(A) or 5 dB(A) above background noise during the period 23:00 hours to 07:00 hours.

Reason; In order to ensure that residential properties in the area are adequately protected from noise nuisance in the interests of amenity.

7.6 100352 – 7 Francis Way, Colchester

The applicant has confirmed that although there is a requirement for the children to enjoy the outside environment everyday there is no requirement for a specific amount of time to be spent outside.

Whilst the applicant has indicated the use of the garden is limited as the children are usually taken out this could change. It is considered this element of the use has the most potential to cause a loss of amenity to neighbours and the following condition is therefore recommended.

“The use of the garden in connection with the child minding use is restricted to a maximum of 2 hours in any one day and shall only take place between the hours of 10.00am – 18.00pm Mondays to Fridays
Reason: To protect the amenity of adjacent neighbours

Amendment

Page 51 10.3 states “The objections raised by neighbours and Councillor Hogg” this is incorrect and it should state The objections raised by neighbours and forwarded to Councillor Hogg.

Page 49 9.1 makes it clear that Councillor Hogg has not objected to the application but has asked for objections and concerns raised with him to be addressed.

Additional condition:

“This consent relates to childminding only and does not permit any other use of the property.
Reason: To avoid doubt as to the scope of the consent hereby granted”

7.7 091360 – Turkey Cock Lane, Stanway

Late representation received by the Council

The proposal above is somewhat misleading as the application also seeks:

“To remove the personal nature of the permission to allow the site to be occupied by any gypsies or travellers as defined in paragraph 15 of Circular 01/2006”.

The proposal therefore is in 2 parts the first part is asking for the personal temporary permission granted to Mr and Mrs Brown and Mr and Mrs Lee and families to be made permanent and the second part is asking for the site to be allowed permanent permission for occupation by any gypsies or travellers.

Whilst many local residents have come to accept the occupation of the site by the Brown and Lee families and have indeed come to acknowledge that the site is neat and tidy and that the Brown and Lee families integrated well with their neighbours, there is a real concern that to allow the site to be occupied by any gypsy or travelling family in the future, who may be far less sensitive to the rural nature of the area or the dangers of the A12 or possible contamination of the Roman River is totally unacceptable.

Colchester Borough Council through the latest government directive have to find 30 pitches for gypsies and travellers by next year! They already have 7 with another 12 pitches at Severalls Lane already granted, together with one historic site making 20 pitches in all, 10 pitches short of the required target. All this is clearly stated in the planners report and is the over riding reason why they are recommending permission, this seems a very underhand method of gaining an official Gypsy/Travellers Site in the Parish of Stanway, without any public consultation save with the immediate neighbours and property owners. Only these people and the few that that wrote to the planners know that this huge decision is about to be considered!! Surely it would be sensible to postpone any decision on the second part of the proposal to allow proper and well published consultation to take place gaining the views of all the local residents of Stanway, Copford and the surrounding area and or allow the first part of the proposal to permit the continued use of the site with its present planning restriction of use only by the Brown and Lee families on a permanent basis, so fulfilling Colchester Borough Councils wish for additional sites, but on an historical basis that if the Brown or Lee families ever leave or vacate the site, future owners would have to apply for planning permission in their own right to preserve the personal conditions and some control of the site, unless they wished to return to agricultural use of the field, containing the current limited site. Please give the above request your utmost consideration prior to the Planning Committee meeting tomorrow evening, when the application will be decided.”

A letter of representation from a local resident dated 10 December 2009 has been received by the Council in respect of application 091360. This letter is marked confidential and, in accordance with Council policy, the letter has not been treated as a formal objection.

7.8 091360 – Land rear of 185 Shrub End Road, Colchester

Environmental Control comment as follows:-

“It is my understanding that the cabin will be used occasionally for a small group of adults (no more than 6) undertaking training. The plans do not stipulate children will have access to the cabin. If the cabin is used solely for a small number of adults, I doubt this will cause a noise nuisance.

If a larger group of adults were to use the cabin, for example more than 10, the noise levels will increase significantly, unless the cabin is sound proofed and the group is monitored closely to ensure noise breakout is kept to a minimum.

7.9 100161 – Unit 3, St Ives Farm, St Ives Road, Peldon

Planning policy comment that Core Strategy Policy ENV2 states that:

“Outside village boundaries, the Council will favourably consider small scale rural business, leisure and tourism schemes that are appropriate to local employment needs.” The buildings are already in place so if a B1 use were granted then on the face of it this would seem to accord with the Core Strategy Policy. In general B1 could be appropriate but would want to ensure that this is limited to B1(b) and (c) as defined in the Use Classes Order. B1(a) Offices would not be appropriate on this site as the Core Strategy directs this use to the Town Centre.

Additional condition:-

No machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside of the 07:00 to 18:00 Mondays to Fridays, 07:00 to 13:00 Saturdays, and at not time on Sundays or bank holidays.

Reason: For the avoidance of doubt as to the scope of this permission and in order to safeguard the amenity of nearby residential properties.

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SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items