

**PLANNING COMMITTEE**  
**10 JULY 2008**

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillors Mary Blandon\*, Peter Chillingworth\*,  
Helen Chuah\*, Mark Cory, John Elliott\*, Stephen Ford,  
Wyn Foster\*, Chris Hall\* and Nigel Offen\*

*Substitute Members :-* Councillor Jackie Maclean  
for Councillor Nigel Chapman  
Councillor Gaye Pyman for Councillor Sonia Lewis

(\* Committee members who attended the formal site visit.  
Councillor Hall was present for the site visit at minute  
no. 67 only.)

**Councillors Chuah and Pyman were not present for the consideration and determination of all items agreed en bloc, minutes nos. 65, 66, 71, 73, 74 and 76 refer.**

**64. Minutes**

The minutes of the meeting held on 26 June 2008 were confirmed as a correct record.

**65. 080834 Former Armstrong Pumps Works, Peartree Road, Stanway**

The Committee considered an application for a change of use of an existing vacant building from industrial, warehousing and offices to car showrooms and workshops including part demolition and part new building. 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 and on the Amendment Sheet.

**Councillor Helen Chuah (in respect of being a trustee and secretary of the St. Anne's Community Hall) 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 she left the meeting during its consideration and determination.**

**66. 080901 St Anne's Community Centre, Harwich Road, Colchester, CO4 3HT**

The Committee considered an application for an extension to the St Anne's Community Centre hall by means of a side extension to provide additional storage facilities and a

covered entrance area. 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.

**Councillor Gaye Pyman (in respect of her spouse being a member of the Board of Governors at Philip Morant School) 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 she left the meeting during its consideration and determination.**

**67. 080925 Philip Morant School & College, Rembrandt Way, Colchester, CO3 4QS**

The Committee considered an application for the removal of two existing demountable classrooms and the erection of a single storey extension to the existing Sixth Form Block, together with the provision of a new internal service road to improve site safety and security. It was intended to relocate overspill parking spaces to allow netball courts to be returned to PE use. 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. Ward Councillors Davies and Lissimore were in attendance at the formal site visit pursuant to Section 7(3) of the Planning Procedures Code of Conduct.

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

Sue Cowans, Head Teacher, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The school had received funding of £1.6million for the project in recognition of its success. The concept behind this application was to enhance Sixth Form teaching at the school by providing specialised teaching areas for Social Sciences, a new IT suite and to ensure the library area for students could be brought up to date together with improved café facilities. She acknowledged that parking was an issue which affected residents in those roads nearest to the school and confirmed that their sixth form students were encouraged not to bring cars to school. The current proposal showed 24 car parking spaces relocated alongside the access road to the new block which complied with planning guidelines, but the school would be prepared to retain these 24 spaces in addition to the new spaces on the internal access road.

Councillor Lissimore, Prettygate ward councillor, attended and, with the consent of the Chairman, addressed the Committee, substantially about traffic problems around the site. It was important that as many cars as possible were parked within the site. Residents were subjected to cars parked across, and sometimes on their driveways.

Efforts had been made by Essex County Councillors and, more recently, through the Neighbourhood Action Plan (NAP) initiative to address this problem, but the solutions just moved cars to other roads thereby causing even more disruption. She urged the Committee to support the Head Teacher's offer to retain the overspill parking, and whilst this was not ideal because of the conflict between cars and pupils, the disruption was less than that caused by cars in residential streets outside the school at 3pm. Sixth formers were not allowed to park on the site and were forced to park in surrounding streets and she asked that they be accommodated within the site. She was keen not to divert money away from other projects but there was a need to avoid congestion around the school and she hoped the Committee could help those residents who were affected.

Members of the Committee welcomed the application for improved sixth form facilities but were very concerned about the continuing impact of parking on residents in surrounding streets. There was some concern that the retention of the current overspill parking would mean the netball courts would not be available for netball and members noted that there seemed to be available space on the site which could be used for additional parking which could also assist in avoiding the conflict between pupils and cars. The Committee considered that parking in surrounding streets would not be eliminated unless the school permitted sixth formers to park within the site and an informative note to the school to this effect should be added. The precise number of cycle parking provision was requested.

It was explained that the two different numbers of cycle parking spaces related to two separate areas for cycle parking; one secure and one unsecure. There were no conditions proposed to provide for sixth formers cars to be parked on site. In the long term the school planned to relocate the overspill elsewhere on site and those proposals could come forward in the future. Members of the Committee indicated that they would have found it useful to have sight of any long term development plan for the site and asked that, if one existed, it be provided to the Council particularly to accompany any future applications.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with informative notes in respect of a preference that the school permit sixth formers to park on site and in respect of a long term site development plan being made available to the Council.

#### **68. 080964 21 St Peters Street, Colchester, CO1 1EW**

The Committee considered an application for the erection of five town houses each having four bedrooms on a plot of land between Claudius Court and Ryegate House. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Members of the Committee noted that this application was a major development for the Dutch Quarter for which there was general support. It was critical that the Roman drains recently discovered on the site were preserved. The private amenity spaces were small as were the footways. In respect of amenity spaces it was noted that this site was in the town centre with access to Castle Park. It was also noted that the Roman Road area had been excluded from the parking permit scheme and a similar request was made in respect of this development.

It was explained that it was not within the remit of planning officers to put restrictions on parking permits and the whole issue of parking permits was under review. The garden spaces were smaller than that recommended in the Design Guide but they were comparable in size to other gardens in the locality. It was intended that the footway would be the same width as the footway on either side of this development. Whilst the site was designated as employment use in the Local Plan, there was an extant permission for residential development on this site.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for the signing of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 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 (formerly the Head of Planning, Protection and Licensing) be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

#### **69. 080968 Park Lane Farm, Park Lane, Langham, CO4 5NL**

This application was withdrawn from consideration at this meeting by the applicant, see Amendment Sheet.

#### **70. 081004 4 The Crescent, Great Horkesley, CO6 4EH**

The Committee considered an application for a first floor rear extension over part of an existing single storey structure. 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 neighbours and the suitability of the proposal for the site.

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

Mr Donald Martin, neighbour, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had lived in

the house for 71 years. There were three habitable rooms on the side of his house. The pitched roof would impinge on the first floor extension. Previous applications had been revised and the proposed extension would exacerbate this situation. The proposal would also exacerbate the existing breaches as well as impacting on the bedroom windows. Regarding the 45° rule in the context of overshadowing, this would affect the value of his property. He may need the funds for his care in the future. It will affect his health now and the value of his property in the future.

Mr Michael Baker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he would have liked to have two bedrooms upstairs but this application was for a bedroom and en suite with another bedroom downstairs. His family have been resident in the house since 1956; he wished to remain in the house. The cost of housing of the size they need was beyond their means. The Parish Council had commented that the house was not suitable for an extension, but there was a larger extension at no. 8 The Crescent. His main reason for needing the additional accommodation was that his partner had a long term illness and for the sake of convenience she would like to have an en suite facility.

Members of the Committee sympathised with the neighbour, but it appeared that the planning rules had not been breached by this application. Also this application was an improvement for the neighbour compared with previous applications in terms of the lowering of the roof of the existing extension which would help marginally with light into the kitchen. The bedroom would be affected by the loss of the view but a bedroom was not lived in to the same extent as a downstairs room and the effect on that room would not be so significant. Every extension had a detrimental effect to some extent on neighbours and the Committee's had to balance the significance of that impact; assistance was provided by the 45° rule. The Committee reminded the objector that they were unable to take into account loss of property value.

In respect of a request for an explanation regarding how the breach of the 45° line with No. 3 The Crescent had been overcome, it was explained that there are two 45° lines, one taken from the corner of the adjacent property which fails the test. The other test involved two calculations; the one taken from the centre of the window which was satisfied. It was only necessary for one of the tests to be satisfied which was the case in this instance. Whilst the 45° line from the corner of the property was breached this was not considered sufficient in this case to recommend a refusal. The officer proposed a further condition to require the works to the roof on the existing extension to be carried out and completed prior to the first floor extension being brought into use.

*RESOLVED* (TEN voted FOR and TWO ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report together with a further condition requiring works to alter the roof of the existing ground floor extension to be completed prior to the first floor extension being brought into use.

**Councillor John Elliott (in respect of his acquaintance with the applicant) declared a**

**personal interest in the following item pursuant to the provisions of Meetings  
General Procedure Rule 7(3)**

**71. 081069 Land adjacent to 19 Cherry Chase, Tiptree, CO5 0AE**

The Committee considered an application for a proposed detached dwelling with detached garage. The Committee had before it a report in which all information was set out, see also Amendment Sheet indicating that the submitted proposed measures to protect the Horse Chestnut tree were satisfactory to the Arboricultural Officer and as a consequence the recommendation had been amended.

*RESOLVED* (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred until the consultation period has expired to enable any further comments to be received and taken into consideration.
- (b) Subject to there being no further objections being received by 12 July 2008 on material planning issues not previously covered in the Committee report, the Head of Environmental and Protective Services (formerly the Head of Planning, Protection and Licensing) be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.
- (c) If objections are received before 12 July 2008 that raise material planning issues not covered in the Committee report, the application to be presented to Committee on 24 July 2008 for determination.

**72. O/COL/06/0740 Roberts Farm, Fordham Road, Mount Bures, CO8 5AZ**

The Committee considered an outline application for the erection of a permanent dwelling on the equestrian/stud farm complex located close to the main complex of equestrian buildings. All matters were reserved. The application as originally submitted sought a dwelling with 180 metres of floor space which had been reduced to 165 square metres. 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. An independent consultant had analysed the accounts of the business and found the business to be showing profitability. A further independent assessment had been made on the functional need for a dwelling associated with the business which had confirmed the need for someone to be on site in accordance with Policy CO13. The permanent dwelling would be a replacement for the temporary structure and it was proposed to impose conditions removing permitted development rights and restricting floor space of the dwelling.

Mr Terry Evans, Mount Bures Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Parish Council had been concerned about this site for several years. In recent

years there have been several owners and enterprises none of which had succeeded; they wanted a proper business on the site. The Parish Council had not been able to look at the accounts and it had not been proved to the Parish Council that it this was a viable enterprise. They were also aware that other development had taken place at the site without the benefit of planning permission, including a swimming pool. The site was being developed piecemeal with no proper appraisal of the site.

Mr Brian Barrow, agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Temporary permission would allow finance to be all proven. This permanent application was submitted in 2006 when the temporary permission was expiring. Two more sets of accounts have been submitted which show that the business, which has now been in existence for five years, continues to thrive. Government advice PPS7 states that temporary permission should not be granted where a permanent dwelling would be justified and this was now the case. In 2007 the turnover was £73,000 with a profit of over £30,000 plus the stock value. The owner had invested £40,000 in acquiring further land for grazing and hay making. Having someone living on site would lead to lower vehicle movements. Everything else was dealt with by conditions including a standard occupancy condition and the removal of the temporary dwelling. A retrospective application had been submitted for the swimming pool.

Members of the Committee commented that this holding had been of concern to the Parish Council and ward councillor for many years. This type of operation was labour intensive. A stud business took time to build up and three years was not normally long enough for it to demonstrate profitability. This had been demonstrated because the earlier accounts did not show sufficient profit. However the viability of the business was now proved and he believed that it was now the right time to approve this application. It would provide an opportunity for a rather untidy site to be tidied up. Some of the other issues raised were not for the Planning Committee to comment on but the applicant was now aware that they should be dealt with as quickly as possible.

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

### **73. 071025 Tesco Stores Ltd., Highwoods Square, Colchester, CO4 9ED**

The Committee considered an application for a new non-food bulk store extension and canopy extension to be used for Tesco home delivery service. The Committee had before it a report in which all information was set out.

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

### **74. 080942 Stanway Rovers Football Club, New Farm Road, Stanway**

The Committee considered an application for the continued use of floodlights for

training and organised football matches at existing football and sports ground which would result in a revision of existing conditions on the existing use. The Committee had before it a report in which all information was set out.

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

**75. 081015 32 St Albans Road, Colchester, CO3 3JQ**

The Committee considered an application for a change of use from domestic use to the provision of three car parking spaces for use by the owners and tenants of 32 St Albans Road only. The Committee had before it a report in which all information was set out.

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

Members of the Committee were concerned at the principle of the use of the land for commercial purposes which could be anything including a mobile food van. The road was entirely residential apart from one or two offices nearby and this was an application for parking cars for commercial purposes in the garden of the site. There was some concern about the monitoring of the site but it was noted that the neighbours would complain if more cars were parked there.

It was explained that this was a retrospective application which had been brought to the attention of the Council by a neighbour. There had been six cars parked on the site but this application had been amended for three spaces, two commercial and one for the use of a tenant. It was confirmed that the majority of roads in the area had parking restrictions. The Highway Authority had commented that the width of the site might be somewhat tight for the purpose, but the owners of the property were aware of the restriction. If the Committee wished it would be possible to prevent commercial vehicles from parking on the site by the imposition of a condition permitting cars only and excluding commercial vehicles from the permission.

*RESOLVED* (ELEVEN voted FOR and ONE ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report subject to Condition 2 being amended to state that the consent relates only to the parking of cars and does not include any commercial vehicles.

**76. 081081 Queen's Head, Queens Road, West Bergholt, CO6 3HE**

The Committee considered an application for the construction of a false chimney to house a kitchen extraction fan. The Committee had before it a report in which all information was set out.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and



informatives as set out in the report.

## **77. Amendment Sheet**