

**PLANNING COMMITTEE
6 OCTOBER 2011**

- Present :-* Councillor Ray Gamble* (Chairman)
Councillors Christopher Arnold*, Peter Chillingworth*,
Stephen Ford, Peter Higgins*, Theresa Higgins*,
Jon Manning, Philip Oxford and Laura Sykes*
- Substitute Members :-* Councillor Marcus Harrington for Councillor John Elliott*
Councillor Dennis Willetts for Councillor Sonia Lewis*
Councillor Pauline Hazell for Councillor Jackie Maclean
- Also in Attendance :-* Councillor Kevin Bentley
Councillor John Bouckley
Councillor Ann Quarrie

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

Councillor John Bouckley (in respect of his son being a member of the Tennis Club and his long standing acquaintance with Mr Vince as a local councillor) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

63. 111511 Recreation Ground, Colchester Road, West Mersea, CO5 8RU

The Committee considered an application for a proposed tennis club pavilion. 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.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to earlier applications: 102210, for the pavilion to be located on the site which had been refused; and 110549 for the pavilion to be located towards the south western corner of the tennis courts which had been approved.

West Mersea Town Councillor Stephen Vince addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the approved application which was not considered acceptable because in that position it would cast a shadow across the tennis courts causing moss to grow which would be slippery and impact on maintenance of the grounds. The proposed site was the best position for families to watch and take tea. The present facilities were not large enough to display memorabilia and for families to take tea. The pavilion building had been donated by a local benefactor and would be erected by club members and volunteers. The building would enable the Club to store machinery out of sight and secure the future of the Tennis Club.

Councillor Bouckley attended and, with the consent of the Chairman, addressed the

Committee. He was concerned that there was local confusion about the siting of the pavilion which may have come about because the application is by West Mersea Town Council but the people who use it will be the Tennis Club. When the site of the agreed application became known it was not the one they had for 90 years and there was anxiety. Time and money has been spent upgrading the courts and the approved position of the pavilion would cast a shadow causing moss to grow. Also visitors would complain that they were not able to see the courts and future generations will believe that Colchester Borough Council prevented the pavilion from being sited in the best position. He believed the pavilion was a gift to the Club at no cost. Objectors were fearful that another storey would be added and he asked for a condition to prevent such an addition.

Members of the Committee considered that with some landscaping at the rear of the pavilion it would be possible for it to be sited as proposed in this application. The roofs of the bungalows were about the same height as the pavilion and if extra planting was provided behind the pavilion it would improve the hedge. It was suggested that a condition to specify the hours of use be added to prevent its frequent use late at night. An alternative roof colour to red was also suggested, but only if it did not cause difficulties for the Tennis Club.

The planning officer suggested possible conditions:- standard time condition, standard condition for proposal to be carried out in accordance with submitted drawings, reinforcement of hedge line, hours of use, and limits on range of activities.

RESOLVED that –

- (a) Consideration of the application be deferred for discussions with applicants on the hours of use and range of activities carried on at the pavilion (to be covered by condition), and to consider grey rather than red roof tiles.
- (b) Upon receipt of any required information, the Head of Environmental and Protective Services be authorised to grant consent with any conditions and informatives required to include those set out below:-
 - Time limit
 - Development in accordance with approved plans
 - Reinforcement of hedge to southern boundary
 - Hours of use
 - Limitations on use

Councillor Stephen Ford (in respect of his acquaintance with some of the people involved in the application) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Jon Manning (in respect of his partner being employed at the Children's Support Centre, Phillip road, Wivenhoe; his acquaintance with the owner of Dennis Studio, Phillip Road, Wivenhoe; his membership of Wivenhoe Cricket Club; and his

role as a governor of Broomsgrove School, Wivenhoe) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

64. 110608 and 110609 St John Ambulance Site, Chapel Road, Wivenhoe, CO7 9DX

The Committee considered planning application 110608 and a linked conservation area application 110609 for the proposed demolition of the superstructure of an existing single storey St John Ambulance Hall and the proposed erection of a two-storey, flat roofed building comprising an artists studio on the ground floor and a two bedroom dwelling on the first floor. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit on 22 September 2011 in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. In her presentation she referred to the red line having been extended. There were concerns in respect of overlooking and an overbearing impact on a neighbouring property in Chapel Road, and impact on a tree which would require partial removal. However, the proposal did not satisfy policy and there had been insufficient advertising to establish whether anyone would take it on for community use.

Brian Sinclair addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of 130 people who objected to the application and the Wivenhoe Community Trust. The hall had served the community and been part of Wivenhoe history since 1831 and there was no reason to demolish it. The building was sound and could be restored at an affordable cost and when restored it would match the character of the Conservation Area. He referred to a small group having bought the hall and placed it in trust in perpetuity, and to possible uses. Under this application the proposed new building would be in private ownership and the change of use from D1 to C3 was relevant. The application was contrary to council policies and the proposal represented an overcrowded design which was out of character with the street scene.

Jeff Firth addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the hall being in a state of disrepair which was rarely used and was an unsightly building. He believed this was an exciting plan to replace it with a gallery. He referred to three issues: impact on the tree; impact on neighbours; and loss of a community building. The applicant had addressed all three issues. It had been shown there would be no harm to the tree; the new building would have no more impact than the existing building; and the gallery and open studio would be a community facility. The design had been praised by the Design and Heritage Unit. The design strives to be sustainable in terms of materials. A Wivenhoe gallery would show evidence of work by artist Pru Green and others.

Councillor Quarrie attended and, with the consent of the Chairman, addressed the

Committee. In addition to the house and gallery there would be a space for kilns. Pru Green was a professional artist. The hall had no architectural merit and although the Gilbert and Sullivan Society had used the hall for rehearsals they had now moved. She believed that Wivenhoe had more venues than any other ward in the borough and listed a number of them. This proposal was essentially in a residential area; it was in a side street in the central area with facilities nearby. The design was modern and different from those on the quayside. The Council's design officer has been supportive of the design.

The planning officer responded in terms of the existing building being a community facility, not a private building. No evidence had been submitted to prove that the existing building was not economically viable. There was a comment from residents that buildings available for use by the community were at capacity, and without evidence to the contrary, the policy team were of the view that this would result in the loss of a building for use by the community. The tree officer found the application unacceptable because it would require the tree to be pruned which would leave it in an unacceptable shape, and there could be pressure for the owner to prune it further or to remove it altogether. The tree was not within the application site which may lead to a conflict in the future. In spite of the amendment to the roof pitch which enabled the 45 degree rule to be satisfied, there remained concerns about the overbearing nature of the building and the high, long side which had not been overcome. She referred to additional information received from the agent included in the report and to further information shown on the amendment sheet regarding the use of the building and the tree.

Members of the Committee were aware of the applicant's need for larger premises in Wivenhoe but some were not convinced that this was the right place; members referred to the need to determine the application on its merits and not on the needs or identity of the applicant. There were also differing views in respect of the modern design of the proposed building, whether it was appropriate in this context, and whether the proposal constituted a community facility or a commercial operation. The Committee considered the merits of the existing building and whether it could be regarded as a heritage asset because of its unique historical context, whilst recognising that it was not designated as such nor was it a listed building. Members were concerned about the impact on adjacent neighbours and gardens and overlooking, the effect on the nearby tree and any impact from deliveries to the gallery.

The planning officer explained that the key issue was whether the committee considered that sufficient information had been submitted to satisfy the policy in respect of community facilities. Her view was that although limited information had been provided on the proposed use, insufficient detailed evidence had been submitted to satisfy the policy. The proposed architectural design and style would be supported were it not for the issue of overlooking from the terrace of the proposed building into neighbouring private garden areas, which had been demonstrated. Also the long, side elevation had an impact on the rear garden of the neighbouring property. Although the building was not listed, it was considered to be a heritage asset because it was within the Conservation Area. The Development Manager gave several examples of how similar uses can vary in their classification and considered that, from the information provided, it seemed that the proposal was within a B1 light industrial use, but there was

not enough information in the application to establish the exact nature of the use in particular areas of the buildings, the way they related to one another and therefore establish the level of fact and degree, thus any subsequent application should be more detailed.

RESOLVED (TWO voted AGAINST) that –

(a) In respect of planning application 110608, the application be refused on the grounds that it was contrary to policies DP4 (Community Facilities) and DP1 (Design and Amenity), the adopted SPDs Essex Design Guide and Extending Your House, and the absence of a Tree Survey all as set out in the report, together with Reason 3 being expanded to include "as the construction of the building proposed would result in the severe pruning of the tree and if permitted as the tree is only semi-mature would give rise to future pressures for its continued pruning and/or removal."

(b) In respect of conservation area application 110609, the application be refused on the grounds that it is contrary to policies UR2 (Built Design and Character) and DP14 (Historic Environment Assets) as set out in the report.

65. 111546 Fiveways Superstore, 25 Church Road, Tiptree, CO5 0LA

The Committee considered an application for a variation of Condition 6 of planning permission COL/1361/86 to allow longer opening hours of 07:30 to 22:00 Mondays to Saturdays and from 10:00 to 17:00 on Sundays and Bank Holidays. 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.

Councillor Laura Sykes (in respect of her membership of Stanway Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

66. 110398 Sainsburys, Western Approach, Stanway, CO3 8AA

The Committee considered an application for alterations to the layout of the car park and an increase in the number of parking spaces. The Committee had before it a report in which all information was set out.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He refers to representations made by residents in London Road.

Ted Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 representing Mr and Mrs Twigg of Pink Cottage, London Road, in opposition to the application. The operation of the store had created

enormous amenity problems for Mr and Mrs Twigg in terms of lorries delivering during the night with refrigeration units running. The twenty-three new spaces in area 5, the area nearest to the bungalows, were located in what was a buffer zone as part of the original planning permission. He asked that they be deleted on the grounds that their loss would be marginal. He also asked that the 'screen' fence in Condition 6 be amended to an 'acoustic' fence and that it be continued around the delivery yard to intercept the noise filtering out of the bell mouth. These two measures would address some of the impacts on the cottage.

Sean McGrath, Indigo Planning, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the teething problems following the opening of the store. It was hoped to implement improved access arrangements shortly and the proposed additional car parking spaces would bring the provision up to the standard which should allay the concerns of neighbours, such as car headlights. It was likely that the twenty-three spaces would only be popular at peak times, that is during the day and before 6pm, because they were not in the most desirable location. In respect of the fence, a 2.5 metre close boarded fence would not block out any noise but he believed it would be an acoustic fence and he hoped to include this for a length of 36.5metres from the edge of the car parking area to the adjacent service road. The extra car parking should address overspill car parking on London Road.

The planning officer commented that the nuisance caused by delivery vehicles did not have any bearing on this application and could be dealt with as an environmental nuisance. Additional parking areas 4 and 5 did not need to be omitted from the proposal. It would be possible to specify an acoustic fence extended to include the delivery entrance in Condition 6 and to add a planting belt. The parking spaces at some distance from the store entrance would probably only be used at peak periods, not at unsocial times in the evenings.

Members of the Committee suggested that one of the trolley shelters could be removed to provide additional parking spaces in place of parking area 5, alternatively there should be no parking after 6pm in parking area 5. There was an opposing view that parking area 5 would not cause any problems. It was established that the walking route from parking area 3 to the store would be safe. There was some doubt that the additional car parking spaces would reduce the amount of on-street parking in London Road. Members requested that additional disabled and family spaces should be provided in the same proportion as the current provision. There was a request to require the applicant to fill in any gaps in the hedge and ensure it was maintained. Other comments about unrelated issues were abandoned trolleys, litter in the area, and delivery times to exclude a period during the night.

The planning officer commented that the hours of delivery would have been considered at the earlier stage and he would trigger a review and if necessary resolve the matter through Environmental Health. He referred to the new parking areas not having any disabled or parent bays which were all located close to the store entrance. He considered it would be difficult to enforce a parking restriction in area 5 after 6pm, but it would be one of the last areas to be used because of its distance from the entrance therefore restriction would be unnecessary. Landscaping was covered by Condition 4

which included regular monitoring and maintenance which should ensure any new planting had to be to an appropriate standard and maintained. The natural hedgerow had been pruned severely and would possibly grow back. He hoped that the Sainsbury representative would relay to Sainsbury that their trolleys were being abandoned in the community.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with additional disabled and parent spaces to be provided proportionate in number to the existing allocation; a restriction be placed on parking area 5 to prohibit parking after 6pm; and an acoustic fence be used and extended alongside the adjacent service road.

67. 111016 Formalset House, 95 Church Road, Tiptree, CO5 0AB

The Committee considered an application for a change of use of the ground and first floors, each floor comprising 58 square metres, from B1(a) Office to Class A1 Retail or Class A2 Financial and Professional Services. The second floor, comprising 36 square metres, to remain as Class B1(a) Office use. 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.

Mr R. F. Ratcliffe addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He is the freehold owner of the adjacent link property and had to insure his building against impact damage by anyone visiting the small area of parking. He opposed this application because he believed it would have a detrimental effect on Morley Road. There was invasive activity in respect of deliveries to Tesco and there were a number of companies who occupied the premises, all of which attracted further traffic to the area in a road where there were two Scope bungalows. He wanted the prohibition of any users into the private area and hoped that the retail element was not granted or was granted with further conditions.

Mr Pilley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He was representing the owner of the building and he had heard what Mr Ratcliffe had said. He referred to a waiting restriction on the road and the parking at the rear being allocated to the residents of the eight flats; he had not had a problem with people trying to park in that area. A car park opposite no. 95 had been taken by Tesco who had then allocated parking spaces back to the village. There was no parking at this end of the village, people park in Tesco.

The planning officer explained that it would be possible to impose a further condition to make it clear there was no parking on the site and that visitors should rely on public car parks. It would be possible to ask the applicant to erect a small sign at the entrance indicating the parking on site was for residents only.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, with an additional condition restricting the use of

the car park to residents only with appropriate signage at the site entrance indicating Residents Parking Only.

68. 111285 The Old Oyster Sheds, Coast Road, West Mersea

The Committee considered an application for a variation of Conditions 5, 14 and 17 of planning application 071786 to raise the slipway to form a level and safe area for the parking of cycles and the construction of a small compound to enclose heating/ventilation equipment and bins, to protect the visual amenity of the area. 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.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to Condition 17 which required that the refurbishment/renovation of the building to be carried out substantially in accordance with the details contained in the submitted application documents and the Engineer's Methodology Statement whereas the applicant was seeking a variation of the condition to raise the slipway to form a level area and construct a compound to include a waste bin and ventilation equipment in addition to the permitted cycle parking and delivery bay areas. This was considered to be a relatively minor amendment to the proposal and a satisfactory solution to the conditions of the original consent. He proposed that determination of the application be deferred and delegated to the Head of Environmental and Protective Services to give consent upon receipt of confirmation that the sleepers were a hardwood and not a source of pollution. If such confirmation was not forthcoming the matter would come back to the Committee for determination.

Richard Hayden addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The new building had been unanimously approved twice before this and since then nothing had changed. The ramp was largely driven by the Marine Management Organisation (MMO) who suggested that the footprint of the poles was larger than the original; the applicants agreed to reduce the size of the slipway to compensate and the number of piles has been reduced from 35 to 21. The benefit to the seabed was dramatic and the ramp was further back. The slipway was unsafe without a fence. The loading and unloading bay was conditioned for certain hours. The Jarra wood was recommended by a contractor who undertook sea defences for the Environment Agency so that was accepted.

The planning officer explained that there was no condition regarding the parking space for deliveries but rather an understanding. He explained that it was only in the summer season that there would be a car park further along the road for use by members of the public, otherwise people would have to park where they could. He agreed to add a condition restricting the parking space for deliveries.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred:-

(i) in order to await definitive and independent testing of the sleepers to ensure they do not pose a threat to the welfare of the marine environment, and

(ii) to seek the assurance that any overspill concrete and excess haunching will be removed from the concrete pad foundations returning them to the originally intended rectangular form.

(b) Upon receipt of such works/assurances, the Head of Environmental and Protective Services be authorised to determine that the works are substantially in accordance with the original submission as per the original recommendation to include the proposed parking space to be used for deliveries only.

(c) In the event that such works/assurances cannot be supplied, the matter be referred back to Committee.

69. 111364 25 Green Acres Road, Layer de la Haye, CO2 0JP

The Committee considered an application for a new detached three bedroom dwelling on land adjacent to existing dwelling for private use with vehicle access onto a private drive. The application is a resubmission of 110586. 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.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mike Bowler addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to this proposal being a larger property than that permitted by the current permission; the proposed dwelling would be higher, with more bedrooms and windows, and an increased floor area. He was of the view that this site was too small to provide parking spaces as required by the recently adopted parking standards, and so would place greater demand for on-street parking. The dwelling would be four feet higher than the property opposite (no. 21). He also referred to issues of privacy caused by the close proximity of the two properties; the council had a back to back minimum distance of 25 metres, but in this case there was a 60% reduction because the front to front distance was 10 metres.

Sheila Warren addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. There was an extant planning permission for a two bedroom property, and the only difference from that permission was 950mm and a height difference of up to 250mm which will be reduced

by site levelling. The proposal complies with all the relevant criteria. Adjacent properties at nos. 21 and 23 are set at an angle and there is a distance of 10 metres from no. 21; for which there is a similar scenario elsewhere in the area. Although this proposal is 250mm higher than the previous proposal, the land slopes and they are giving consideration to levelling the site which would make the ridge height the same as no. 21. The ridge of the new property would be 30 metres from no. 21. She did not believe the dwelling was disproportionate to the plot. The parking criteria have been approved and the design would complement the street scene. This was a one and a half property not a full two storey dwelling, and makes better use of the same footprint.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. He had called in the application for residents and views were shared by Councillor Ellis. The issues were parking and the height of the building. There were two parking spaces provided. The dwelling was in a cul de sac, and there was genuine concern at the increase in the number of cars. There is concern regarding access by emergency service vehicles which should be taken into account. The residents and parish council were concerned that this proposal was higher and would have a detrimental impact on the skyline. People do feel that their view is going to be affected which was a concern. He questioned whether it needed to be the size it was and whether it was possible to look at the design again. He asked that it be deferred for further consideration.

The planning officer confirmed that in overall terms it was a suitably designed building and would not have a significant appearance of being higher than the existing dwellings. He considered it would be appropriate to add conditions in relation to fixing the slab level before development commences, to remove permitted development rights and to specify no further windows would be permitted at first floor level. There had been no consultation carried out in respect of emergency access, but there was already a permission for this plot and it would be difficult to take a different decision in respect of this application. The dwellings opposite were at an angle but that was not unusual where dwellings faced each other across the street. The Development Manager reported that he had met with the Highway Authority to discuss various issues and was assured that every site is visited by a highways officer.

Members of the Committee were more comfortable in the knowledge that the ground would be levelled so that the dwelling would be no higher than nos. 21 and 25. It was recognised that in most cases the views from the new dwelling would not look directly into living rooms. Although it was acknowledged that whilst it would change the character of the cul de sac and would not be as pleasant as it currently is, there were no grounds to refuse the application.

RESOLVED (TWO ABSTAINED from voting) that –

- (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, together with three additional conditions:- to remove permitted development rights, to specify that no further first floor windows would be permitted, and that the slab level was to be fixed such that the ridge height would be no higher than that of adjoining properties at nos. 21, 25 and 27.

Councillor Jon Manning (in respect of it having been recorded in the case officer's report that the reason he had called in the application for consideration by the committee was because he disagreed with the recommendation) 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 he left the meeting during its consideration and determination. Councillor Manning wished it to be known that his stated reason for calling in the application was solely to enable a resident to have an opportunity to make representations to the Committee, but because the reason for his call in had been recorded inaccurately in the case officer's report, the Monitoring Officer had advised him to declare a personal and prejudicial interest which advice he duly followed.

70. 111366 114 The Avenue, Wivenhoe, CO7 9PP

The Committee considered a retrospective planning application for the retention of dormer windows with proposed modifications and the retention of a gable extension. 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.

Andrew Tyrrell, Development Manager, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mrs Francis Golding addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Her architect had assured her that the proposal came within the permitted development rights (PDR) criteria. Work had started before Christmas and in April they were informed of the situation but by then the majority of the work had been completed. She had been informed that PDF allowed proposals which did not comply with the design guide so that if they had to destroy the work they could erect something similar under PDF. The property was located in an area predominantly of two storey dwellings; the property opposite was similar. The rear elevation had no significant impact on the area or on the houses on either side nor on the modern block of flats next door but one. Both neighbours and the Town Council were in support of the proposal. She hoped the proposal was not detrimental to the character of the area.

The planning officer explained that PDR did not permit development above eaves height. A box dormer could be allowed on its own provided it was below the ridge height and set in from either side, but this one was also over a ground floor extension so that it did not come with PDR.

Whilst members of the Committee expressed sympathy for the applicant, they were also aware that the unauthorised extensions had contravened the council's planning policies. If the applicant had submitted an application before commencing the building work, the application would have been refused and the council would have been able to provide guidance on what was possible. The Development Manager confirmed that a professional planning consultant should have indemnity insurance. If the guidance that the applicant received was from such a person then this was a matter for them to pursue outside of the planning consideration and any action taken by them would be a legal matter. In response to queries by members of the Committee the planning officer confirmed that she was not aware of the exact date that the enforcement team became aware that work was proceeding.

RESOLVED (TEN voted FOR and ONE ABSTAINED from voting) that the application be refused on the grounds that it was contrary to policies PPS1 (Delivering Sustainable Development), DP1 (Design and Amenity), DP13 (Dwelling Alterations, Extensions and Replacement Dwellings), and to SPD 'Extending Your House', all as set out in the report.

71. 071786 The Old Oyster Sheds, Coast Road, West Mersea // Compliance with Condition 17

The Head of Environmental and Protective Services submitted a report requesting the Committee to make a determination on whether or not the works currently being carried out at this site in pursuance of application 071786 were in compliance with Condition 17 of the planning permission which states:-

"The renovation/refurbishment of the building shall be carried out substantially in accordance with the details contained in the submitted application documents and the Engineer's Methodology Statement."

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 assist in their deliberations and determination of the issues regarding compliance with Condition 17.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He showed a sample of the original timber and a slide to illustrate how it had been reused in the new building. He was of the opinion that the completed building was in the spirit of the original building. He referred to much of the external timber boarding being in poor condition, and although the steel piles and concrete pads were not in the original proposal, they were more slender than the original timber. The Marine Management Organisation (MMO) had confirmed they were satisfied with the piles and Natural England were content. As before, provided confirmation that the railway sleepers are not harmful to the habitat and ecology, and the concrete overspill can be dealt with, to the extent that we and Natural England can be satisfied that neither

will harm the habitat and ecological. He proposed that the matter be deferred to obtain such confirmation, upon receipt of which the Head of Environmental and Protective Services be authorised to determine that the works are substantially in accordance with the original submission and recommendation.

Although some Members of the Committee considered that black paint would be a preferable finish for the piles, others considered that it would not be long before they were covered in seaweed.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred: -

(i) in order to await definitive and independent testing of the sleepers to ensure they do not pose a threat to the welfare of the marine environment, and

(ii) To seek the assurance that any overspill concrete and excess haunching will be removed from the concrete pad foundations returning them to the originally intended rectangular form.

(b) Upon receipt of such works/assurances, the Head of Environmental and Protective Services be authorised to determine that the works are substantially in accordance with the original submission as per the original recommendation plus the loading bay to be used for deliveries only.

(c) In the event that such works/assurances cannot be supplied, the matter be referred back to Committee.