

**PLANNING COMMITTEE
4 MARCH 2010**

- Present :-* Councillor Ray Gamble* (Chairman)
Councillor Sonia Lewis* (Deputy Mayor)
Councillors Mary Blandon*, Helen Chuah*,
Mark Cory, John Elliott*, Andrew Ellis,
Stephen Ford, Theresa Higgins*, Jackie Maclean,
Jon Manning* and Ann Quarrie*
- Substitute Member :-* Councillor Richard Martin
for Councillor Sonia Lewis*

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

190. Minutes

The minutes of the meeting held on 18 February 2010 were confirmed as a correct record.

191. 100091 Cavalry Road/Stable Road, Colchester

The Committee considered an application for a new legal agreement to link this development, for the conversion of an existing canteen building into residential accommodation, to the requirements of the outline planning permission for the Garrison Urban Village Development and associated legal agreement. The Committee had before it a report in which all information was set out, see also amendment sheet.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred until the expiry of the public consultation period and for the completion of a Unilateral Undertaking linking these applications to the original 299a Garrison Urban Village agreement.
- (b) Subject to no new objections being received before 18 March 2010 which raise new planning issues that cannot be resolved by an appropriately worded condition, and upon receipt of a satisfactory Unilateral Undertaking prior to 18 March 2010, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.
- (c) If new objections cannot be resolved by an appropriately worded condition the application to be referred back to the Committee.

192. 100093 Cavalry Road/Stable Road, Colchester

The Committee considered an application for a new legal agreement to link this development, for the conversion of an existing adult school building into residential accommodation, to the requirements of the outline planning permission for the Garrison Urban Village Development and associated legal agreement. The Committee had before it a report in which all information was set out, see also amendment sheet.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred until the expiry of the public consultation period and for the completion of a Unilateral Undertaking linking these applications to the original 299a Garrison Urban Village agreement.
- (b) Subject to no new objections being received before 18 March 2010 which raise new planning issues that cannot be resolved by an appropriately worded condition, and upon receipt of a satisfactory Unilateral Undertaking prior to 18 March 2010, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.
- (c) If new objections cannot be resolved by an appropriately worded condition the application to be referred back to the Committee.

193. 100044 Blomfields, Long Road East, Dedham, CO7 6BS

The Committee considered an application for a variation of condition 02 of planning permission COL/95/0462 to permit a swimming pool to be hired out to the general public comprising groups of up to five people for exclusive use for periods of between one to four hours for swimming lessons; for those wishing to swim in private with friends; and for those with disabilities. The Committee had before it a report in which all information was set out, see also amendment sheet.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Councillor Cannon, Dedham Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The parish council requested a condition either

to prevent any kind of advertising or noticeboard along the frontage of the property or to ensure that any notice is no larger than the small notice which currently exists. The parish council wanted to ensure that the view of the frontage would not be destroyed.

In response to a suggestion from the Committee that a temporary permission be considered, it was explained that temporary permissions are used to prevent intensification of use and in cases where the use could be detrimental to neighbours, but neither the Highway Authority nor Environmental Control have made any comments in this respect. The grass verge in front of the property is highway land and outside the application site, however, if the Committee wanted to ensure no signage was placed on frontage of the property an informative could be added to alert the applicant that the verge was highway land and no signage should be placed there. The locations of the nearest neighbours were identified and shown to be sufficiently distant from the swimming pool that any noise nuisance would be unlikely to impact upon them.

Members of the Committee were minded to grant a temporary permission in order that noise and traffic generation could be monitored, and also to add the suggested informative. Any disturbance from intensification of use or noise nuisance would need to be reported to the borough council by the parish council or residents.

RESOLVED (UNANIMOUSLY) that the application be approved for a temporary period of 2 years with conditions and informatives as set out in the report together with an additional informative regarding signage on the grass verge being prohibited because of the verge being highway land.

Councillor Jon Manning (in respect of being formerly acquainted with the architect) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

194. 100047 Seasons, Monks Lane, Dedham, CO7 6DZ

The Committee considered an application for a first floor extension to the majority of the existing building and to raise the existing roof in order to provide a first floor bedroom, balcony and study. The proposal is a resubmission of 082034. 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 a number of corrections to the report, additional information and two further conditions all of which were set out on the amendment sheet.

Councillor Cannon addressed the Committee on behalf of Dedham Parish Council and local residents pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that the proposal failed to consider the gradients across the site. He stated that the north end of the site would obliterate any view across the valley from Monks Lane, which is a protected lane, with modest bungalows, cottages and a listed building, and in his opinion the proposal had no place in the street scene; the small valley was already dominated by the white conservatory. There were elements of the Colchester Borough Council design statement which have been ignored. The proposal is not acceptable to the majority of consultees and he proposed that the application be deferred for a meeting between all parties because there had been a breakdown in communications.

Mr Knowles addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He did not believe that the proposal would have a negative impact on the Area of Outstanding Natural Beauty but considered that its quality would enhance the area. He was of the view that there were no common features within the lane, but that all dwellings were very different. The existing bungalow is set well below the level of the lane so the impact of raising the roof level on the north end by just under 1.5 metres will have little impact. He has consulted with the planning office and the application meets the requirements of design policies and the Dedham Village Design Statement and the highest quality materials sympathetic to the environment will be used.

It was confirmed that the long stretch of roof is no higher than the existing roof. Overall the landscape will continue to dominate. The balcony will have long views across the valley into the distance and in the summer when the gardens are mainly in use the views will be obscured. There are no overriding objections to a two storey element because two storeys is part of the local scene.

On the site visit, members of the Committee were struck by the variety of properties along the lane. They were also aware of the many different gradients and did not consider there would be a great impact on other properties. There were no concerns with the balcony because it is recessed. If the two storey element was on the other side neighbours would have more reason to object; but in any case the loss of a view was not a

material planning reason for refusal. They recognised that there were no planning grounds to refuse the application.

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

195. 100068 2 Arden Close, Colchester, CO4 0JP

The Committee considered an application for a first floor side extension over an existing garage. 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.

196. 100073 East Hall Farm, Church Lane, East Mersea

This application has been withdrawn from consideration at this meeting by the applicant.

Councillor John Elliott (in respect of being the Chairman of Tiptree Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

197. Variation of Legal Agreement // 60-72 Newbridge Road, Tiptree

The Head of Environmental and Protective Services submitted a report on a proposed deed of variation to the original legal agreement relating to the approved development. An agreement has now been reached between this Council and Tiptree Parish Council whereby the parish council will take on the ownership and maintenance responsibility of both the public open space and wildlife area extension and this variation will enable the land and associated funding to be transferred to Tiptree Parish Council. The Committee had before it a report in which all information was set out.

Andrew Tyrrell, Development Manager, attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that the proposed deed of variation to the

original legal agreement as set out in the report by the Head of Environmental and Protective Services be endorsed.

198. Enforcement Report // 14 Magdalen Street, Colchester

The Head of Environmental and Protective Services submitted a report on proposed listed building enforcement action requiring the removal of a banner which has been attached to a listed building because it adversely affects the special character of the building. The Committee had before it a report in which all information was set out. The banner was removed prior to the meeting so the enforcement action is no longer necessary.

RESOLVED that no further action be taken in this matter.