

**PLANNING COMMITTEE
18 SEPTEMBER 2008**

Present :- Councillor Stephen Ford* (Chairman)
Councillors Mary Blandon*, Nigel Chapman*,
Peter Chillingworth*, John Elliott*, Wyn Foster*,
Chris Hall and Nigel Offen*

Substitute Members :- Councillor Jon Manning for Councillor Helen Chuah*
Councillor Martin Hunt for Councillor Mark Cory
Councillor Peter Higgins for Councillor Ray Gamble
Councillor Christopher Arnold
for Councillor Sonia Lewis*

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

103. Minutes

The minutes of the meeting held on 4 September 2008 were confirmed as a correct record, subject to the word 'High' being amended to 'Highway' in the first bullet point of the resolution to minute number 102.

104. 080866 Ruins Field, Shop Lane, East Mersea, CO5 8TR

The Committee considered an application for the erection of a hatchery building in association with a poultry breeding enterprise. The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for the submission of a plan showing how vehicles visiting the site will be managed so they can enter and leave in a forward gear, turning within the site.
- (b) Upon receipt of a satisfactory plan the Head of Environmental and Protective Services be authorised to issue a planning permission subject to conditions and informatives as set out in the report and on the Amendment Sheet.

105. 081107 Land west of Fairfields, Chitts Hill, Colchester, CO3 5SX

This application was withdrawn from consideration at this meeting by the applicant.

106. 081119 The Barn, Brook Road, Great Tey, CO6 1JF

The Committee considered an application for guest accommodation and a manager's flat for the Barn Brasserie. 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 –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to secure a contribution towards Open Space, Sports and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon the completion of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant planning consent with conditions and informatives as set out in the report.

107. 081383 Land adjacent to 46 Pondfield Road, Colchester

The Committee considered an application for a two storey side extension to provide two flats attached to an existing block of four flats. The application is a resubmission of 080509. 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.

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

Mr Barrell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had concerns regarding the occupants of the existing flats and he also mentioned a fire which had occurred at the premises. The land which was intended to be utilised for the proposed flats was currently used for recreation purposes. He was also concerned about the possible imposition of waiting restrictions on the highway.

It was explained that the occupants of a building was not a material planning consideration.

Members of the Committee queried the provision of two off-street car parking spaces which, together with the associated visibility splays would effectively remove two on-street parking spaces when the dropped kerb was installed. A short length of fencing which currently screened the front amenity area from the highway would also need to be removed. There was a view that the provision should be either no parking spaces provided or six, one for each flat. It was explained that the provision of two off-street parking spaces were provided for schemes such as this one in response to the current parking policies and standards. Whilst they were provided for the two new

units there was no condition that they be used by the occupants of those units.

RESOLVED (MAJORITY voted FOR) that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to secure a contribution towards Open Space, Sports and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (b) Upon the completion of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant planning consent with conditions and informatives as set out in the report, subject to the deletion of the requirement to provide two off street car parking spaces and associated conditions 6, 7 and 8 and Informatives 2 and 3.

108. 081458 Old House, Old House Road, Great Horkesley, CO6 4EQ

The Committee considered an application for a change of use of the first floor from storage to accommodation for a carer who is resident in the ground floor of the annexe at Old House Road, retrospectively, together with the erection of a screen to the external staircase up to the first floor of the annexe. The Committee had before it a report in which all information was set out together with further information on the 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.

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

Mr Chapman, a neighbour, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His main bedroom was opposite the entrance to the first floor of the converted dwelling which created issues of privacy in respect of the occupier and visitors having a direct line of sight into his bedroom and shower room which was 7 ½ metres distant. The proposed screen would not prevent overlooking because there was a step up into the converted premises and the doorway was 200-300mm higher than the proposed screen. This would lead to a detrimental effect on his family's use of their property. There was also an external light outside the first floor doorway which caused a nuisance and had a detrimental effect on their sleep. He had made a formal objection to the Environmental Control officer and hoped the Committee would take these points into consideration.

Members of the Committee acknowledged how useful the site visit had been in assisting their understanding of the problems. The height of the proposed screen was 2.1 metres above the level of the floor and it would also be above the light as well so the Committee were reassured that the objector's concerns had been dealt with.

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

informatives as set out in the report.

109. 080789 61-63 Crouch Street, Colchester, CO3 3EY

The Committee considered an application for the alteration and demolition of existing single storey additions; the construction of a single storey rear extension and conversion of outbuildings to accommodate a trade kitchen, dining areas, stores and toilets; internal alterations including relocation of cellar, first floor stairs and relocation of bar; installation of new yard gates to replace the existing; and the creation of free standing exterior dining areas and smoking solution area and provision of access ramp to same. This application is a resubmission of 080135. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application for listed building consent be approved with conditions and informatives as set out in the report.

Councillor Wyn Foster (in respect of her husband being a freemason) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

110. 081088 66C Barrack Street, Colchester, CO1 2LS

The Committee considered an application for a change of use from office accommodation to regalia shop, meeting room, masonic lodge instruction room. 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.

111. 081275 Bridgeside, Turkey Cock Lane, Stanway

The Committee considered an application for a variation of condition 5 of permission COL/07/0221 to station one additional caravan on a gypsy site. Permission COL/07/0221 gave temporary planning permission for a change of use to residential by means of siting two mobile homes and three touring caravans on the land. 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 Councillor Maclean was in attendance at the formal site visit pursuant to Section 7(3) of the Planning Procedures Code of Practice.

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

Julie Lee addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application which was for one extra caravan on the site which was requested because there was nowhere else for the family to go.

Councillor Maclean attended and, with the consent of the Chairman, addressed the Committee. She considered it was unjust to consider this application because a permission had already been granted for five caravans last October. The very great need for sites for travellers and gypsies had led to the situation whereby special consideration was given to private sites, effectively skewing planning rules in favour of the travelling community. She believed that approval of this application was a contradiction of Condition 5 of the earlier permission which permitted no more than five caravans to be stationed on the site. If this application was approved there would be two mobile homes and six caravans with the potential for further requests. The site was next to the Roman River Conservation Area and she was concerned that the lighting should be switched off during the hours of darkness. She made reference to the Circular from the ODPM 2006. She wanted the conditions of the previous permission to be discharged before any more caravans were allowed and requested that the matter be delegated to Head of Environmental and Protective Services for approval once the outstanding conditions had been satisfied.

Members of the Committee commented that the Council had received strong advice from Counsel; Circular 1/06 applied and the Committee were required to take this into consideration. This was a separate application and if any other applications were received they would also have to look at those as separate applications. He understood the residents' objections to the site and also understood from the residents that they are good neighbours. The Committee were obliged to follow Government guidance. The main concern was the extra floodlighting. Conditions 6 and 7 covered this point regarding infra red controls which would prevent the lights being switched on all the time and this would go a long way towards overcoming residents' concerns on lighting. An amendment to Condition 6 was proposed so that it included reference to the siting and design of all external lighting being provided with the requirement for the style of lighting to be appropriate this rural area. A further amendment to Condition 6 was proposed so that infra red controls were applied to new and existing floodlighting. The site visit had revealed that there was room for the extra caravan without infringing on Flood Zone 2 and that the site was well kept. However it was considered that there was not the capacity on the site for any further caravans without infringement of the Flood Zone.

It was explained that informatives could be added to the effect that any additional caravans would be unlikely to gain permission, and that the construction of the access road would be monitored to ensure its completion.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report subject to amendments to Condition 6 to include reference to siting and design of all external lighting, and the words "and new" to be inserted after the word "existing" in the penultimate line of Condition 6, together with an informative to be added to indicate that the Council

would be unlikely to agree to any additional caravans on the site.