

## **PLANNING COMMITTEE**

### **2 APRIL 2009**

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

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

#### **238. Minutes**

The minutes of the meeting held on 19 March 2009 were confirmed as a correct record.

#### **239. 090152 24 Elmstead Road, Wivenhoe, CO7 9HX**

The Committee considered an application for the demolition of two one and a half storey cottages and their replacement with the erection of a four bedroom dwelling. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Andrew Tyrrell, Planning Officer, attended to assist the Committee in its deliberations.

A member of the Committee expressed concerns regarding road safety at this location which was on a blind bend with very poor sight lines. The Highways Authority had considered taking a 2 metre strip of land to enable a more satisfactory access. A condition was requested to secure an improvement.

In their submission the Highways Authority had stated that the proposed access was not in accordance with their usual standards, but recognised that it was an improvement on the previous two substandard accesses. It was explained that the Highways Authority have the power to make adjustments to the road layout themselves. However there is a landscaping condition included in the recommendation and it would be possible to require that a 2 metre wide grassed verge be created as part of the landscaping scheme.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, subject to the landscaping scheme being amended to secure a 2 metre grass verge, see also Amendment Sheet.

#### **240. 081452 Tower View, Pennsylvania Lane, Tiptree, CO5 0TU**

The Committee considered an application for the erection of a five bedroom detached dwelling set over three floors, the ground floor being set partially below

ground level and including a double garage accessed by a ramp. The Committee had before it a report in which all information was set out.

*RESOLVED* (UNANIMOUSLY) 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.

**241. 081481 East Mersea Hall, Church Lane, East Mersea, Colchester, CO5 8TJ**

The Committee considered an application for the change of use of a drawing room at the rear of the listed building from residential to mixed residential/wedding ceremonies, the erection of a marquee on a temporary basis between 15 April and 15 October, a change of use of part of an adjacent agricultural field for a grassed vehicle parking area in connection with weddings/functions at the Hall and at other times for church services and the annual East Mersea Village Fete, together with the provision of a footbridge over a moat for direct access from new parking field to the grounds of East Mersea Hall. 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, see also Amendment Sheet.

**242. 090090 4 Nayland Road, Colchester, CO4 5EG**

The Committee considered an application for two dormer windows in the loft space to provide two additional habitable rooms in the roof of the dwelling on plot 1 of an existing residential development under construction. The Committee had before it a report in which all information was set out. An additional condition was proposed to secure obscure glazed windows above ground level in the north facing elevation.

Andrew Tyrrell, Planning Officer, attended to assist the Committee in its deliberations.

Jean Dickinson, Myland Parish Councillor, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Condition 14 of the original approval stated that roof lights could not be inserted. The two additional rooms to be created in the roof space by the insertion of dormer windows into the roof will increase the number of people living in the property. The Parish Council are concerned that this will create a precedent for extensions into roof spaces in the parish.

It was explained that applications for loft conversions for plots 4 and 5 had been refused because of the potential impact on neighbouring properties. There are no overlooking issues from plot 1 so in this case the proposal was considered acceptable. Approval of this application would not set a precedent.

*RESOLVED* (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report together with an additional condition:-

The windows to be provided above ground floor level in the north facing elevations shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter in order to safeguard the privacy of adjoining occupiers.

**243. 090164 400 The Crescent, Colchester, CO4 9YQ**

The Committee considered an application for a variation of condition 02 of planning permission COL/98/0335 to provide for an extension of an existing car park from 50 to 130 spaces. 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.

**244. 090205 New Farm Road, Stanway, Colchester, CO3 0PG**

The Committee considered an application for the erection of a 22.5 metre telecommunications monopole with three antenna and relocated floodlighting positioned at 17.5 metres on the same pole. 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.

**245. 090211 Collins Green, School Road, Messing, Colchester, CO5 9TH**

The Committee considered a retrospective application for minor elevational changes to new dwellings on plots 1 and 2. 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.

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

deliberations. The reason for refusal was amended as follows:-

Plots 1 and 2 as constructed represent significant changes from the approved plan including the insertion of additional brickwork, different levels and architectural details. The resultant building has an aesthetically unpleasant appearance that will detract from the appearance and character of the development as approved under the permission 071734, and detracts from their setting within the established village street scene. In this respect the development is contrary to the Adopted Review Colchester Borough Local Plan – March 2004 Policy UEA11 and to the advice contained within Planning Policy Statement 1 (PPS1).

David Hooker addressed the Committee on behalf of a number of objectors and the parish council pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. By applying for this retrospective permission the developer is already in breach of the permission for this site. The grounds for refusing consent relate to the increased height of the properties and the subsequent changes to the elevations. These have changed what should have been cottage style semi-detached houses to what are almost three storey town houses. Rather than being at a lower level as mentioned by the planning officer, plots 1 and 2 are too high and the ground floor slab is too high. His group feel very strongly that this application should be refused and that the Council vigorously pursue a remedial course of action.

Councillor Ellis attended and, with the consent of the Chairman, addressed the Committee. What was granted permission and what has been constructed are two different things and the village has suffered as a result. The brick does not bear any resemblance to any brick in Messing. The developer has used this brick and removed all other details. The drawings showed feature brickwork, quoins and flat top arch details over the windows all of which have been omitted and instead plain brick has been used giving a bland appearance. The developer states this was done to comply with Building Regulations. This caused him to add multiple brick courses but at no time did he seek a planning officer's opinion. Any resemblance to a village cottage has been removed. The increased height has a significant and negative impact on this development both from within the village and from long views from the countryside. The development now presents as visually jarring within the street scene. The development as it currently exists would not have been given consent. It is being suggested that this flagrant breach can be hidden behind garages. As such it now fails PPS1 UEA11 and also Policy H7. In this case a development which might otherwise appear bland can be lifted by detailing and this has been omitted.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. Ward councillors had been asked to represent the strength of feeling from the village as this is a matter which concerns people in the beautiful village of Messing. Messing has had new development built there and there was an understanding of the need for more housing in rural areas, but the concern was about style and design and being out of character. This is a missed opportunity to have something not dissimilar to Messing Green which appears rural with family homes whereas this is an eyesore. Messing has won Best Kept Small Village and it needs good quality design which fits in and should be protected from poor designs like this. He asked that this application be turned down and an explanation provided on the

timetable and the action to be taken.

It was explained that the brick used had been approved. Ibstock Leicester Red has been used on a number of developments in the borough and it weathers very attractively. In this particular instance however, when combined with the elevated nature, it makes the house look obvious in the street scene; there are rendered units elsewhere. The absence of the quoin detail shown on approved drawings was accepted. However, when the materials were approved that feature was not a requirement, and this matter will be taken up elsewhere. In respect of the report on enforcement, a detailed report will be submitted to the Committee setting out all the changes and including all four plots, together with what options there were including any demolition required or introduction of architectural features closer to the approved drawings.

Members of the Committee were in general in agreement with the proposed action on the grounds of principle. If there was disagreement with an approval the developer should come back with a further application. The current appearance of the buildings was ugly; the proportions have been changed making them offensive to the eye.

*RESOLVED* (UNANIMOUSLY) that the application be refused for the reason set out in the report.

**246. 090235 Great Oaks, Horkesley Road, Boxted, Colchester, CO4 5HS**

The Committee considered an application for a variation to Condition 02 of application F/COL/99/1486 to allow the occupant to work in agriculture, horticulture or forestry outside of the site. 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.

**247. 090293 Little Acorns, Abbots Lane, Eight Ash Green, CO6 3QL**

The Committee considered a partly retrospective application for a variation of Condition 10 of planning permission O/COL/06/0917 to enable the removal of three dead trees, the removal of a stem to one of the trees and works comprising crown lift, coppicing or removal of dead wood to the other four trees. There are also proposals for replacement tree planting and improvement to the hedgerow. 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.

**248. 090070 Highwoods Square, Colchester, CO4 9ED**

The Committee considered an application for a proposed 10.6 metre high wind turbine and associated works within the main car park of the Tesco store for a period of 15 years. 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 together with an additional condition as follows:-

The wind turbine hereby approved shall be located in the position shown on the amended drawing number 5656-2326 PL(90)001B, received 6<sup>th</sup> March 2009.

Reason: For the avoidance of doubt as to the scope of this permission.

#### **249. 090084 Goojerat Road Link, Colchester Garrison, Colchester**

The Committee considered an application for the creation of a new east-west road link between Butt Road and Circular Road West, broadly along the existing alignment of Goojerat Road, including access to Areas K1, K2, L and N, in accordance with the overall development Masterplan and Master Layout Plan. The Committee had before it a report in which all information was set out.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. The new road would be curved to allow for the various constraints on the army land and to provide a roundabout to link in with Butt Road. There would be a shared footway and cycleway and a loss of trees but they will be replaced to the satisfaction of the Tree Officer.

Robert Taylor, Taylor Wimpey Project Manager for the Garrison Development, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This is a strategic route within the Garrison Masterplan and has to be provided. There is a need to move the alignment to comply with highway criteria and for access onto the roundabout and from the military compound which has to be included in the design. He considered the proposed road to be well landscaped and a good design.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He considered that more residents should have been consulted on the proposal. He wanted the new cycleway to continue on to the new roundabout and to link in with existing cycleways rather than doing them piecemeal.

Members of the Committee agreed with the views expressed by Councillor Harris. The provision of the road is a requirement but there is also a need to prevent parking in dangerous places along its length, and this should be considered at the outset.

It was explained that the footpath/cycleway would be 3 metres wide and link into Abbeyfield. It is linked in with other cycleways as much as possible. The Committee's views would be conveyed to the case officer for further consideration.

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