

**PLANNING COMMITTEE
18 FEBRUARY 2010**

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

Substitute Member :- Councillor Mike Hardy for Councillor Andrew Ellis

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

182. Minutes

The minutes of the meeting held on 4 February 2010 were confirmed as a correct record subject to the following amendments to minute no. 174:-

(a) the addition of the following declaration:-

Councillor Lewis (in respect of a close family relative living in Prettygate Road being present at the meeting) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).

(b) the following amendments to the fourth paragraph:-

the following two sentences be inserted after the first sentence:-

“He believed that the report contained errors and omissions of fact. There had been 114 objections submitted not ‘in excess of 90’, and 716 signatures on the petition, not 176 as stated.”

and the third sentence be amended to read:-

“He clarified that there would be a loss of privacy to both his dining room and breakfast room both of which have north facing windows which are main windows not secondary windows.”

183. 091379 Church Lane/Warren Lane, Stanway

The Committee considered an application for an extension of time for the construction of part of the western relief road between Warren Lane and the northern boundary of the site, application F/COL/94/0890 refers. 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 Deed of Amendment to ensure that all existing Agreements are read as though references to the relief road permission, express or implied, are applicable to this new planning permission.

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

184. 091260 Edward Marke Drive, Langenhoe, CO5 7LP

The Committee considered an application for a proposed residential development of two detached dwellings. The application is a resubmission of 090268. The application has been advertised in the local press because it is a departure from the Local Plan; the consultation period expires on 12 March 2010. 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 to permit the additional consultation period to expire and for the 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) Subject to no objections being received within the additional consultation period which raise new material considerations, and 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.

185. 091580 Collins Green, School Road, Messing, CO5 9TH

The Committee considered an application for the retention of new dwellings recently erected on plots one and two of the site with proposed material and component amendments. Contrary to approved plans, the dwellings were built as two and a half storey with a fourth bedroom within the roof void which resulted in the eaves being 900mm too high. A subsequent application

to retain the height had been refused and enforcement action was authorised to reduce the height and restore decorative details. More recently the ownership of the site has changed and the opportunity has been taken to make various amendments to the elevations and changes to the external materials. These changes, as illustrated on drawing no. 09.087/164, affect the whole scheme. 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.

Mr Ted Gittins addressed the Committee on behalf of the new owners pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The new owners had liaised with the parish council and community for possible solutions to rectify the transgression of the previous owner. A door to door survey in Messing had been undertaken by the parish council to gauge the preference for the lowering of the roofline or the retention of plots one and two with enhancements. 71% were in favour of retaining the plots with enhancements. It was considered preferable that improvements be made to the overall quality of the whole scheme to create a prestigious development in keeping with the neighbouring development at Maltings Green. In any proposed enforcement action, material harm would have to be proved rather than simply being a deviation of the approved scheme.

Some members of the Committee were very uncomfortable with the recommended approval bearing in mind the Committee's former resolve to take enforcement action to ensure the roof was lowered in accordance with the approved plans. It was considered that the principle of approval was wrong and that the enforcement notice should be served and the roofline lowered. Others took the view that whilst they were not in favour of the increased height being retained, it would be unreasonable to be punitive with new owners who have taken over the project. The majority of the committee were supportive of the efforts made by the new owners to improve the overall scheme to the satisfaction of the majority of the local community and that the parish council now supported the revised scheme.

The planning officer explained that it was normal practice to run a refusal with an enforcement procedure. As the ownership had changed the enforcement notice had not proceeded. In addition the new owners were proposing a significant number of changes to the elevational treatment of all the buildings which represented a vast improvement of the entire scheme. The proposed changes included the colour of the render, the use of better quality bricks and changes to the design detail of doors and windows. Officers were now comfortable with the improved overall quality of the

scheme.

RESOLVED (MAJORITY voted FOR) 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 and on the amendment sheet.

186. 091595 5 Broomhills Road, West Mersea, CO5 8AP

The Committee considered an application for the erection of a two bedroom bungalow and a detached garage within the rear garden property. 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.

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 and on the amendment sheet.

187. 100006 13 Coast Road, West Mersea, CO5 8LH

The Committee considered an application for modifications to an existing property including new fenestration, the removal of an existing roof and the erection of a second floor and a pool enclosure. 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, attended to assist the Committee in its deliberations.

Trevor James addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His four main concerns were that the development was overbearing and there were issues relating to privacy, the height and the design of the proposal. His garden is below the level of the swimming pool and because of this the new enclosure will look massive and will be overbearing. The new kitchen will overlook his terrace and his hot tub which will be in full view; he noted that the planning officer had reserved the right to decide whether or not a screen would be necessary. The addition of a top floor will increase the height of the property. The proposed design of the extension is an intrusion into current properties and against current planning policy. Flat roofs are against the character of Mersea and could set a precedent.

Mary Wayland addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The renovation of this house would enable her and her partner to move back to West Mersea where they had a business. Their architect specialises in coastal homes and they have worked closely with him and the planning office to develop the current proposal. They had offered to incorporate any comments made by both neighbours in the plans. The neighbours at no.15 were delighted with the plans but no response had been received from no.11. They have drive and ambition to create a home and asked for the committee's support.

The Development Manager explained that he had spent an hour with Mr James at his property during which time the issue of overbearing had been discussed in detail. He explained that normally protection is given to an area no more than three metres from the rear wall of the house which, in this case, is the terraced area. Beyond that there is a significant drop in ground levels and gardens are not protected. The swimming pool roof level is below ground level of the dwellings. Although the roof would be seen from above, the view is not protected by planning policies; therefore this was not a reason for refusal. In terms of the kitchen window, he referred to the amendment sheet which suggests a condition be added to ensure that it is obscure glazed. He had also asked for the flank windows to be changed to obscure glazing already and this was shown on the amended plans, and to be conditioned. Although the report had referred to a breakfast room as the dining room due to the tables and chairs within it, the actual dining room window was further from the proposed development and there remained no

issues in respect of the 45 degree line rule which does not intersect the new flat roof when taken from either the breakfast room or the dining room. In terms of design and style, this scheme was the subject of extensive discussions from a very early stage and the government guidance is that planning authorities should not impose their own taste on applicants or stifle ingenuity; this proposal is considered to add to the variety of properties. It was also noted that the reference to the flats to the east being flat roofed was incorrect as they have a pitched roof, although this was not a significant factor. In response to the Committee's queries he explained that the parking provision met the new parking standards.

Members of the Committee thanked both residents for allowing them to do the site visits; they were able to appreciate the area and considered that the contemporary style development would be wonderful for the site and the streetscape would be much improved. The diversity of buildings in the area was in keeping with eclectic street scene. The committee had specifically looked at sight lines. The property at no. 11 is almost at a 45 degree angle to the new building, consequently the 45 degree line does not strike the new development. The Committee were mindful that the proposal was within planning guidelines and everything that can be done has been done. The Committee were concerned that the objector remained unhappy with the development, but he was referred to the amendment sheet which addressed some of the issues. The Chairman thanked both the respective householders at nos. 11 and 13 for allowing the Planning Committee to do a site visit in such an unusual and lovely area.

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

188. 100026 145 Shrub End Road, Colchester, CO3 4RE

The Committee considered an application for a proposed single and two storey rear extension to provide four new bedrooms, a net increase of two bedrooms together with support facilities. The application is a resubmission of 090693. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that, subject to satisfactory comments being received from the Arboricultural Officer, the application be approved with conditions and informatives as set out in the report.

Councillor Jackie Maclean (in respect of having an acquaintance with the

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

189. 091297 342 London Road, Stanway, CO3 8LT

The Committee considered an application for a change of use of a building under construction from a proposed indoor adventure play area to a retail unit for the sale of outdoor sports and activity equipment and clothing. 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 for completion of a Deed of Variation to the original legal agreement to allow the retail of items from within the building outlined red on the submitted site plan, as set out in the report.
- (b) Upon receipt of a satisfactory Deed of Variation, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.