

PLANNING COMMITTEE 17 JUNE 2010

Present :- Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, Helen Chuah*,
John Elliott*, Stephen Ford, Theresa Higgins,
Jon Manning*, Philip Oxford*, Ann Quarrie* and
Laura Sykes*

Substitute Members :- Councillor Christopher Arnold
for Councillor Andrew Ellis*
Councillor Richard Martin for Councillor Jackie Maclean*

Also in Attendance :- Councillor Henry Spyvee
Councillor Dennis Willetts

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

20. 100660 2 Margaret Road, Colchester, CO1 1RZ

The Committee considered an application for a proposed new dwelling. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Jane Seeley, Planning Officer, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. The proposal had originally been submitted for a detached house but had been amended to a semi-detached dwelling.

Sally Lille addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She considered the proposed new dwelling would make her garden feel enclosed and that once the garden was built on it will be gone forever. She did not believe there was a need to squeeze in more new dwellings into the town centre and asked the Committee to reject the application.

Lisa Moore addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She had taken the advice of the Urban Designer and tried to keep windows to a minimum on the rear elevation. Frosted glass was used where appropriate and a bedroom window had been removed.

Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee. He referred to four objections relating to a loss of natural light and the likelihood of the new house towering over the rear bungalow and cutting out afternoon sunlight. The garden space was reduced and he asked that the officer clarify the private amenity space. Neighbours would lose two on-street parking spaces. He asked the Committee to consider the loss of on-street parking as an additional reason for refusal. In respect of garden grabbing, he has a copy from Hansard showing an exchange with the Secretary of State for Communities and Local Government which states that government guidance counts as a material consideration. This application would provide a good early test of the situation. In summary, this application would give

rise to overbearing effect, loss of light, loss of garden and inadequate parking.

The Planning Officer referred to the Backland and Infill Supplementary Planning Document and confirmed that this proposal was in line with that guidance. It was considered that there would not be any conflict with the new government guidance. The street had no waiting restrictions which would prevent on-street parking. The properties in Margaret Road were able to park in their front gardens. The garden sizes of the new dwellings reflected the character of existing gardens in that road.

Members of the Committee referred to the development being within walking distance of the town centre and the station. Properties along that side of the road were mainly semi-detached and this proposal would convert a detached property into a semi-detached property so it was considered that it would fit in. The parking provision was an issue for some members because the minimum parking standard is 2.25 spaces for a two bedroom property. Several members accepted that the minimum parking standard was intended for larger developments and that two spaces could be considered as satisfactory for a single dwelling.

It was explained that whilst the parking standard did not specifically mention single dwellings, in the urban setting a parking standard of two space for each unit would be acceptable. The emerging policy for garden sizes was 60 square metres. The garden of the new dwelling was in line with that policy which also reflected the garden sizes in the area, however the garden of the host property would be slightly less. The Committee were advised to take account of the character of the area in respect of parking provision and garden amenity sizes.

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.

21. 100805 Long Acre Bungalow, Colchester Road, Wakes Colne, CO6 2BY

The Committee considered an application for the demolition of an existing dwelling and erection of a new dwelling, detached garage and additional crossover. 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.

Jane Seeley, Planning Officer, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She explained that the ridge height had been reduced and a garage removed and these changes had resulted in a better

design for the village location. The relationship of the new house to both neighbouring properties was in line with the criteria used to assess that impact. The removal of the garage had improved the relationship to Millbank. A new unauthorised access has been created and the Highway Authority had advised that they have no objection to the second access. At the time the report was written revised drawings were out for consultation on the second access and comments from the neighbours were shown on the amendment sheet. Revised drawings showed the ridge height has been lowered.

Terry Blunden addressed the Committee on behalf of both Highview House and Millbank pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He did not object to the principle of development but did object to the scale. He considered the report contained numerous errors. He was concerned that there would be an overbearing effect on Highview House; at best they would lose natural daylight and evening sunlight. He considered the changes from the earlier application were cosmetic and that the development would be too large for the plot; the footprint had been twisted and skewed to fit. He considered that it created a precedence by squeezing a large house into a small plot and that it should be sympathetic to the area, a shallow 'T' or 'L' shape would be preferable.

Paul Dyer addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The site plan showed that the house fitted comfortably within the plot and was further away from the two neighbouring properties. He referred to the recent reduction in ridge height and although it was still higher than Highview House it was now lower than Millbank. The proposed dwelling was no deeper than the existing bungalow. Highview House is larger in footprint than the proposed dwelling and on a smaller plot. The development accords with guidance in the Supplementary Planning Document (SPD) and there was no infringement of the 45 degree lines. He considered there would be only a minimum impact on the patio area of Highview House in the evening. The Countryside Design Officer had indicated that the traditional rural appearance of the dwelling was satisfactory.

Members of the Committee raised a number of issues. Although this proposal was an improvement on an earlier scheme there were still problems, particularly in respect of the design not taking account of neighbouring properties. The proposal does appear to fit in with the policy, but the SPD makes no mention of neighbours' amenity. Where the proposal is a replacement dwelling there is an opportunity to site it to fit in. The SPD gives the minimum which is acceptable in the town situation but that is not relevant to the village location. There was also a view that the proposed dwelling should be set on the lowest part of the plot which could lower the ridge height by another 1.5 feet. In addition the proposed garage was too close to living accommodation and had been removed but that may not be an adequate solution because members considered that a garage would be required, if not now then at some time in the future. Members wanted the application to be deferred to include a garage in an appropriate place on the site plan and the deferral would provide time for formal comments from the Highway Authority to be considered together with the potential for lowering the dwelling.

It was explained that the issue regarding the garage was a relevant point because one may be sought at a later stage and a drawing indicating an acceptable position for it would be useful. A consequence of identifying a site for a garage may also result in the

footprint of the dwelling being moved off the footprint of the existing dwelling with a further improvement for the neighbouring dwellings.

RESOLVED (MAJORITY voted FOR) that consideration of the application be deferred for the further consideration of the following matters:-

- a revised drawing be requested from the applicant to show an acceptable position for a garage which may also require the repositioning of the dwelling;
- comments from the Highway Authority to be received and considered.

The application to be submitted to a future meeting of the Planning Committee for determination.

Councillor Laura Sykes (in respect of the agent being her neighbour) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

22. 091614 East Street, Colchester, CO1 2TQ

The Committee considered an application for a two bedroom flat. 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.

23. 100760 113 Winnock Road, Colchester, CO1 2DP

The Committee considered an application for a single storey side extension and associated alterations to a semi-detached dwelling within the Conservation Area. 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.

24. 100781 9 Braiswick, Colchester, CO4 5AU

The Committee considered an application for amendments to the design of a

replacement dwelling, approved under application 081678 to include: the provision of a basement; amendment to the height and width to allow for increased levels of insulation; and a reduction in the amount of glass in the southern elevation. 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 Section 106 Legal Agreement to provide for a maintenance bond in the sum of £5,000 for use in connection with extraordinary maintenance which may be required as a result of construction traffic over the public footpath.

(b) Upon receipt of a satisfactory Section 106 Legal Agreement, 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.

25. 100806 Silver Birches, Ipswich Road, Dedham, CO7 6HU

The Committee considered a retrospective application for change of use from woodland to garden use to include the retention of a cart lodge, a workshop, a storage container, gates and fencing. The Committee had before it a report in which all information was set out.

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

Councillor Richard Martin (in respect of having used the services of the agent, Mr E. Gittins) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Dennis Willetts (in respect of his membership of Eight Ash Green Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

26. 100830 1 The Bungalows, Land rear of Brook Cottage and Huxtables Lane, Fordham

The Committee considered an application for the erection of a single detached dwelling and two garages, a resubmission of 090639. 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. She referred to the site visit and a further condition on the Amendment Sheet requiring site sections and relationship of adjoining properties, particularly the property to the east opposite the public footpath.

Ms B. Everitt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She did not believe that the development “harmonised with, and reinforces local distinctiveness and sense of place” as stated in the report, and questioned whether the proposal would be “a visual enhancement to Huxtables Lane” because it was such a grand design and scale. There were no other properties like it in the lane and she therefore considered it unsuitable. She considered it set a precedent and would ruin a quiet lane in a beautiful village.

Joseph Greenhow addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The site was within the village envelope and the adopted Local Plan and Core Strategy. He appreciated that garden sites required careful consideration in terms of suitable scale, design and location. This site had been created from two parcels of garden land so the development can be set back and retain a large garden to the rear. The dwelling had been designed by a chartered architect and he considered the detail introduced an interesting point of reference and made use of the natural topography.

Councillor Willetts attended and, with the consent of the Chairman, addressed the Committee. He considered the site to be very exposed because it could be viewed across the fields from the A1124. It was essential that the dwelling should fit in with the general ethos of design in the village, and whilst the report described it as Edwardian New England design, it could be regarded as Dallas design. He considered the design to be excellent and there were locations where it would fit in, however Eight Ash Green was not the right location. Residents would prefer a smaller design. He referred to another site in Eight Ash Green where there had been a proposal for a turret and officers took steps to ensure that turrets did not appear in Eight Ash Green. The building appeared intrusive and the architect should think however about how the building could be recessed into the side of the hill so it could not be viewed from the rest of the village.

Members of the Committee considered this to be a large property on a large plot within the village envelope. They considered it to be a different and interesting design which would be well hidden in the valley and would not be seen at all from the village apart from the view from the A1124. It would be set low on the site and follow the gradient. It did not water the character of the area and would make a better entrance to the existing row of leylandii and the backs of other houses and would enhance the village.

The planning officer’s suggestion that Condition 8, Comprehensive Boundary Scheme, be amended so that all boundaries were included in the Boundary Scheme. Condition 9 specified that all Permitted Development Rights were to be removed.

RESOLVED (UNANIMOUS) 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 together with an amendment to Condition 8 to include all boundaries in the Comprehensive Boundary Scheme.

27. Enforcement Action // Land at Pantile Farm, Peldon Road, Abberton

The Head of Environmental and Protective Services submitted a report on proposed enforcement action in respect of unauthorised business activities operating in buildings and on the land around Pantile Farm and the removal of a large timber building on the site. 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.

John Harrison addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the proposed enforcement action. He believed that the issues were more complex and asked officers to undertake further discussion. The site was half a mile from neighbours in both directions and screened with a six foot high fence at the entrance. He had not received any complaints. The site was being reclassified in the Local Development Framework as a local employment area, but he accepted that it would still need approval by certificate. He considered that enforcement was in conflict with the LDF. There were fifteen people employed on the site. There were no other sites suitable for the businesses. Three of the containers were exempt from enforcement although in 2005 the containers were fixed to the ground and could be accepted as the development shows four containers on site.

It was explained that the LDF was proposing part of the site to be allocated as an employment zone but this related to the original buildings on the site and did not include the outside storage area. One of the key pieces of evidence is an aerial photograph taken in August 2000. A further period should not be allowed for the submission of planning applications to try and regularise the unauthorised uses and the timber building as requested by the owner because of the ten year rule, after which time the development would become lawful which is the reason this report is being considered at this time. The Council has been inviting a planning application from the owner since 2008 but no applications have been received and it is not considered reasonable to allow a longer period of time.

Members of the Committee were of the opinion that the policies were quite clear and the enforcement action did not prevent the owner's ability to submit an application at any time.

RESOLVED (MAJORITY voted FOR) that –

(a) An Enforcement Notice be served at Pantile Farm, Peldon Road, Abberton requiring that all outside storage at the site should cease, including all storage of building materials by the reclamation company, all but three of the storage containers on the site, and the two caravans all with a compliance period of six months.

(b) An Enforcement Notice be served at Pantile Farm, Peldon Road, Abberton requiring the removal of the black timber boarded building with a compliance period of two months.

28. Enforcement Action // Gun Hill Garage Site, Ipswich Road, Dedham

The Head of Environmental and Protective Services submitted a report on the service of a stop notice and enforcement notice in respect of an unauthorised office building on the site. It was considered expedient to take action to remove the building given the location in attractive countryside in the Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Countryside Conservation Area, and its unsympathetic design and external materials which are considered detrimental to the rural qualities of its surroundings.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She explained that on 16 June 2010 it was observed that a large unauthorised building was being erected on the site which has been used as a car breakers yard and benefits from a certificate of lawful use. She requested that the Committee agree to an enforcement notice and, if considered appropriate, a stop notice being served in respect of the unauthorised building plus other unauthorised works in respect of fences being erected. It may also be possible that auctions may take place in the future. This authority would give officers the ability to take action in respect of all unauthorised ongoing works on this site.

She also explained that a fax had been received from the agent on behalf of the owner requesting that the Committee be made aware of various points. They agree they have no planning permission which is due to erroneous advice and it was not their intention to breach or disregard planning control. They go on to make comments on the excessive nature of the use of enforcement action and that it would be inappropriate to use enforcement action to remove a building because it was not the building the Council would want to see on the site. It would be possible to ask the applicant to volunteer to remove the building. Finally the point was made that they consider it should be withdrawn from the Committee to allow further discussions to take place. She reiterated that this unauthorised development was within the AONB and was an inappropriate building.

RESOLVED (UNANIMOUSLY) that an enforcement notice and a stop notice, if considered appropriate, be served at the Garage Site, Ipswich Road, Dedham requiring:-

- the removal of unauthorised fencing and sliding gate, cessation of unauthorised

auctions and any other unauthorised development with a compliance period of 1 month;

- the permanent removal of an unauthorised modular office building and hard standing and the reinstatement of the site to a neat and tidy condition with a compliance period of 3 months.