

**PLANNING COMMITTEE  
15 NOVEMBER 2012**

*Present :-* Councillor Theresa Higgins\* (Chairman)  
Councillors Nick Barlow\*, Peter Chillingworth\*,  
Helen Chuah\*, Sonia Lewis\*, Cyril Liddy\*, Jon Manning,  
Nigel Offen, Philip Oxford and Laura Sykes\*

*Substitute Members :-* Councillor Will Quince for Councillor Nigel Chapman  
Councillor Marcus Harrington for Councillor John Elliott\*  
Councillor Michael Lilley for Councillor Stephen Ford  
Councillor Terry Sutton for Councillor Jackie Maclean

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

**55. 121547 14 Honywood Road, Colchester, CO3 3AS**

This application had been deferred from the Committee meeting on 1 November 2012 in order to give residents more time to consider late amendments received. The Committee also gave the Head of Environmental and Protective Services delegated power to approve the application in the event that agreement had been reached between the residents and the applicant prior to this meeting. The Amendment Sheet reported that such agreement had been reached in relation to the boundary treatment and therefore the application was withdrawn from consideration at this meeting.

**56. 121189 Units 3-5 Albany Gardens, Haven Road, Colchester, CO2 8HT**

**Councillor Sutton (in respect of his company being the managing agent for this site) declared a disclosable pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.**

The Committee considered an application for the removal or variation of Condition 56 attached to planning permission F/COL/02/1306, that required the use of the identified workspace units for B1 (Business) purposes. 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 and on the Amendment Sheet.

**57. 120846 Pearl Walk, Wivenhoe, CO7 9GS**

The Committee considered an application for the conversion of three commercial units into residential use comprising three two-bedroomed ground floor apartments. 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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to the legal agreements for affordable housing, which would be provided within the Garrison development, and that any permission would be subject to contributions for the provision of open space and also community facilities.

Kevin Read, Wivenhoe Town Councillor, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Town Council were pleased that one commercial unit had been sold and wanted the remaining commercial units to be marketed for a longer period in the expectation that it would lead to their retention and consequently encourage local employment. The Town Council were concerned both at the parking provision being below the standard adopted in 2009 and the lack of any private amenity space for any of the units which could lead to chairs being put out on the fronts of the properties. The Town Council also wanted the affordable housing contributions to be ring fenced for the next available opportunity within the local area.

Members of the Committee were similarly disappointed at the prospect of the units being converted to housing but recognised that Taylor Wimpey and agents had taken reasonable steps to market the units which had been only partially successful. They acknowledged that the parking provision was inadequate but that there was no means of any increase in spaces and this was an urban location where parking standards could be relaxed. There was some support for a longer period for marketing the units with a suggestion that the price may need to be reduced to be successful. There was also disappointment that the affordable housing was to be located outside of Wivenhoe.

Members acknowledged that it would be undesirable to leave these properties vacant indefinitely and taking into consideration the circumstances which were a material consideration, there did not appear to be any option but to accept the proposal.

Members requested that if the cycle parking facilities within this development were not covered, there be a condition imposed to require that they were protected from the elements.

It was explained that if the cycle parking provision referred to was that which was currently provided within the parking area and if that provision was not covered, an appropriate condition could be added.

*RESOLVED* (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred for receipt of any objections raised by outstanding consultees to the prior completion of a Section 106 legal agreement, and subject to there being no objections,

(b) Upon receipt of the following:-

- a satisfactory Section 106 Legal Agreement to secure plot 41 at the Garrison L+N site as an affordable housing unit, and
- a satisfactory unilateral undertaking to secure contributions towards community facilities, and open space, sport and recreation facilities, in accordance with the

the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report together with an extra condition to provide covered cycle parking in the event the existing cycle parking was not covered.

**58. 121676 12 Ash Grove, Wivenhoe, CO7 9HJ**

The Committee considered an application for a proposed single storey side and rear extension to form an enlarged kitchen, study, third bedroom with ensuite and utility room. 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.

James Ryan, Planning Officer, attended to assist the Committee in its deliberations. He referred to a bungalow nearby which had been similarly extended, and to additional information on the Amendment Sheet. He considered that the proposal was within tolerable levels and was therefore acceptable.

Mr Moye addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was concerned at the size and the height of the extension. The existing ridged roof would be extended towards his property, which was set at a lower level, and the roof would therefore have an enormous visual impact. It would block daylight and sunlight from his living area, lounge, kitchen and conservatory, especially in the autumn. He was of the opinion that the extension of the ridge would render the bungalow out of character with the rest of the estate which mainly comprised two bedroomed bungalows.

Wendy McMahon addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Their architect had taken care to make sure the proposed extension was in keeping with the area. There would be 2.6metres between the extension and the end of adjacent properties. They had taken into consideration any possible material impact of harm and that the impact of loss of light was kept to an acceptable level. The ridge line would be further away from the neighbours' boundaries to minimise adverse impact. She appreciated it was a relatively large extension but it did conform to the regulations.

Councillor Cory attended and, with the consent of the Chairman, addressed the Committee. He considered that this proposal would have an overbearing impact on numbers 11 and 13 Paddock Way; because there was not much space between these properties and the application site. He accepted that the development was within the guidelines, but the extension would almost double the size of the bungalow and he considered that it should adhere to the spirit of the law. The objector's property was lower than the application site and the roofline which would extend towards his property. Such a development in this area was quite rare and he considered that this would set a precedent for single storey bungalows; it was out of character and over

development and impacted on neighbours' amenity and light. He asked whether officers could mitigate the effect of the roof line to reduce the impact on adjacent properties.

The planning officer demonstrated the line of the sun, which, for much of the year would be high in the sky. Although there would be an impact in winter, it was questionable whether or not it would be harmful. Although the ridgeline would slope down, he confirmed that the gable end would have an impact on the neighbour. This would be one of the larger developments in the area, and it would mirror an extended bungalow at the other end of the road. He considered that a refusal would not be sustainable on appeal. The ridged roof could be amended by a flat roof, but it was not materially harmful enough to warrant a flat roof and therefore they had not sought to get the scheme amended.

Members of the Committee accepted, somewhat reluctantly, that the proposal met all the criteria, but there was a request for the removal of permitted development rights to prevent any further extensions. Some members were of the opinion that once the extension was built neighbours may find it would not cause demonstrable harm to their amenity nor would it lead to a loss of light on the living areas. It had been noticed that there were some conifer trees on the common boundary which in time would grow taller.

The planning officer confirmed that permitted development rights could be removed.

*RESOLVED* (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report together with an extra condition to remove Class A permitted development rights.