

**PLANNING COMMITTEE  
18 MARCH 2010**

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

*Substitute Member :-* Councillor Mike Hardy for Councillor Sonia Lewis\*

*Also in Attendance :-* Councillor Chris Hall

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

**199. Minutes**

The minutes of the meeting held on 4 March 2010 were confirmed as a correct record.

**200. 100172 Norman Way, Colchester, and grassed area within the school boundary 100223 Norman Way, Colchester, and land east of Reynolds Avenue and Landseer Road, Colchester**

These applications were withdrawn from consideration at this meeting to allow the planning officer's report to be redrafted to include all representations received and late recommendations from the Highway Authority. Both applications to be included on the Committee's agenda for 1 April 2010.

**201. 100171 Unit 16, Wakes Colne Business Centre, Colchester Road, Wakes Colne, CO6 2DB**

The Committee considered an application for a change of use of Unit 16, a redundant agricultural building, to Use Class B1, light industrial. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED (UNANIMOUSLY) that –*

(a) Subject to the receipt of satisfactory responses from the outstanding consultees, the application be approved with conditions and informatives as

set out in the report and to include matters referred to on the Amendment Sheet.

(b) If new objections cannot be resolved by an appropriately worded condition the application to be referred back to the Committee.

## **202. 100097 37 Welshwood Park Road, Colchester, CO4 3HZ**

The Committee considered an application for a proposed two storey side extension forming a new kitchen with ancillary storage with a single bedroom with en-suite facility above; an existing kitchen converted into a dining area; and an existing external food storage shed to be removed. 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 the application be approved with conditions and informatives as set out in the report.

## **203. 090705 69 Smythies Avenue, Colchester, CO1 2US**

The Committee considered an application for a proposed new dwelling on part of the former rear garden of the application site. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. This was an established residential area with a strong character of development in the form of properties occurring at regular intervals. The recommendation has been based on the ability to mitigate against many of the objections and he mentioned the condition to require the rear first floor windows to be obscure glazed to protect neighbours' amenity. However, the private amenity space was below the 50 square metre standard, being only 30 square metres. There was a large area to the front of the property but it was in public view and therefore disregarded for the purposes of the private amenity space calculation.

Jenny Fairbrother addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She

was concerned that the plot was of insufficient size to accommodate the proposed building, that it would be beyond the established building line and out of keeping with other properties, and that it did not provide the minimum garden size. Because of its close proximity to other properties there would be a reduction of light and sunlight to three properties as identified in the report. The proposal would destroy a valuable garden space which was an important feature of the design of the whole area. If approved the development would set a precedent for other plots of land.

Kevin Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Discussions with planning officers had been ongoing since 2008. The size, position and detailing of the property had changed during that time and this was a suitable compromise. He believed there was more amenity space at the rear of the proposed dwelling, and he did not know how the 30 square metres was measured. There was off street parking at the front of the property so parking was not an issue. He believed that opportunities for young couples to purchase a small detached property such as this were very limited.

Councillor Hall attended and, with the consent of the Chairman, addressed the Committee. He noted that the case officer's report mentioned a number of difficulties with the proposal specifically with the established building line; the loss of morning sun for the neighbouring property; the distance to the dwellings opposite being less than the recommended 25 metres; and its overbearing and overshadowing effect. He considered that the committee should seek the very best for the town and ensure that residents' interests are taken into account. Development on this site should be appropriate for the area and should not adversely affect local amenity.

Members of the Committee noted that the recommendation for approval was 'on balance'. They were concerned at the private amenity space being below the minimum standard; overdevelopment of the site; the proposal not fitting comfortably in the street scene and it being unlikely to enhance the area; and the parking provision being below the standard of 2.25 spaces for a two bedroom property. There was also a view that all the surrounding established properties had reasonable sized gardens and that this plot should not be left available for development.

In response the planning officer explained that the proposed new dwelling had been designed to overcome issues of overlooking and overshadowing. However, the proposal did have a reduced amenity area which did not meet the required standard, and the position of the building in relation to the rear of 69 Smythies Avenue did impact on their amenity and these were reasons for refusal of the application. If the Committee did not consider the proposal appropriate it might wish to consider whether the proposal also amounted to

being incongruous in the street scene. In respect of parking provision, the 2.25 spaces per two bedroom dwelling was applicable to new estate developments; it was considered that two spaces for this two bedroom dwelling was in compliance with the standard bearing in mind the proximity of the town centre.

In response to a query about the status of the subdivision of the plot, the planning officer explained that when the application was received both this building plot and 69 Symthies Avenue was in the control of one owner, but that dwelling had been sold with a portion of the garden leaving this plot as a stand alone site. In the event that this application is refused there would be no guarantee that it would revert to a garden use. Members discussed whether the sub-division of the garden had resulted in a plot on which no property would fit, and even a very small property with no amenity issues might still be incongruous in the street scene.

*RESOLVED* (UNANIMOUSLY) that the application be refused on the following grounds –

- the private amenity space provided is below the 50 sq m minimum standard;
- the proposal would appear incongruous in the street scene and would be contrary to the objectives of PPS1;
- the proposal would be overbearing on the amenity of neighbouring properties.

#### **204. Enforcement Action // Stableview, Newbridge Road, Tiptree, CO5 0HZ**

The Head of Environmental and Protective Services submitted a report on proposed enforcement action requiring the permanent removal of a three metre high automatically operated security gate on land within the Tiptree and Messing Countryside Conservation Area. It was considered inappropriate in terms of character, scale and design and Essex County Council Highways considered the gate was too close to the highway to allow a vehicle to stand clear of the highway whilst it is being opened or closed.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr E. Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the service of an enforcement notice. The scale of the gates was clearly too much and the occupant has offered to lower the height to two metres. In respect to the six

metres recess required by the Highway Authority, the requirement as stated was linked to residential locations, but this was a rural location well outside the built up area of Tiptree. A deferral was requested to seek clarification from the Highway Authority on whether there was a different standard for rural locations. Very few other access points along Newbridge Road complied with the six metres recess. The Committee were reminded that the occupant was of gypsy status and any action taken by the council should not appear to be discriminatory.

Members of the Committee agreed that the gates were unacceptable in their current form and two metre high gates would be more acceptable in this rural location. Whilst the Committee understood the argument against requiring a six metre recess they were aware of the reason for the requirement, and whilst there was no objection to reconsulting with the Highway Authority but there was no consensus for a deferral to do so.

The planning officer anticipated that the Highway Authority would maintain their requirement for a six metre recess from the highway, which along this stretch of road was not subject to any speed restrictions.

*RESOLVED* (UNANIMOUSLY) that an enforcement notice be served at Stableview, Newbridge Road, Tiptree requiring the permanent removal of a three metre high automatically operated security gate with a compliance period of six months.

## **205. Untidy Site Notice // Land off Chapel Road, Boxted, Colchester**

The Head of Environmental and Protective Services submitted a report on the proposed service of an untidy site notice under Section 215 of the Town and Country Planning Act 1990. The Notice would require the land to be tidied because it was considered that the appearance of the land adversely affected the amenity of the local area. The matters requiring attention were the removal from the site of all vehicle parts and tyres, household waste, white goods and building materials, all waste from arboricultural and garden works, the wooden chalet building and corrugated arc shelter.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee were aware that the ward councillor had wanted this site tidied up for some time and it was unfortunate that earlier attempts had been unsuccessful. The Committee were firmly of the view that this time the notice should be implemented, and in the event that no action was taken by the occupier, the council would take direct action. It was explained that

direct action was where a local authority takes responsibility for the clearance of the site and the land owner is charged with the cost of the clearance.

*RESOLVED* (UNANIMOUSLY) that an untidy site notice be served under Section 215 of the Town and Country Planning Act 1990 as soon as possible requiring the tidying of the land by the permanent removal from the site of all vehicle parts and tyres, household waste, white goods and building materials, all waste from arboricultural and garden works, the wooden chalet building and corrugated arc shelter with a compliance period of two months.