

PLANNING COMMITTEE
15 OCTOBER 2009

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

Substitute Member :- Councillor Richard Martin
for Councillor John Elliott

Also in Attendance :- Councillor Nick Cope

(* Committee members who attended the formal site visit.
Councillor T.Higgins was not present at the site visit
referred to in minute no. 115)

112. Minutes

The minutes of the meeting held on 1 October 2009 were confirmed as a correct record.

113. 090011 Hawkins Road, Colchester, CO2 8LH

The Committee considered a reserved matters application for the former Jewson's site for 221 dwellings in four buildings, including 224 car parking spaces, refuse and cycle storage, sewer diversion, work to the river wall, commercial accommodation and landscaping. The application is a resubmission of application 072531 amending the previously approved scheme from 58 to 53 one bedroom units; from 150 to 156 two bedroom units and from 13 to 12 three bedroom units. Other amendments were proposed to some balcony sizes, to hard and soft landscaping to enable an increase in car parking provision; two residential units to be moved from Block 4 to Block 2; minor revisions to materials; and an alteration to the construction method. 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.

114. 091139 Shorlands, Coggeshall Road, Dedham, CO7 6ET

The Committee considered an application for the demolition of an existing dwelling and its replacement with two four-bedroom detached houses and associated garaging. 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 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.

Councillor Ray Gamble (in respect of his acquaintance with Mr Parker) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Sonia Lewis and Councillor Richard Martin (in respect of their personal acquaintances with Mr Parker during their schooldays) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Theresa Higgins (in respect of having submitted a formal objection to the application) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) Councillor Higgins made representations in accordance with Paragraph 12(2) of the Code of Conduct for Members and then left the meeting during the Committee's consideration and determination of the application.

115. 090902 1B Winnock Road, Colchester

The Committee considered an application for the demolition of a shop and the construction of three two-bedroom houses with secure cycle and bin store. The site is bounded on three sides by residential properties. 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.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. No objections had been received from local residents. The issues of concern are amenity areas and car parking spaces. The gardens are well below the minimum size and there is no off street parking, but the site is in a Conservation Area where spatial standards can be waived and officers believe this will be of benefit to the Conservation Area. There is some on street parking opposite the site, otherwise much of the area is within a residents' parking scheme. It was an 'on balance' recommendation.

Councillor T. Higgins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on the grounds of the private amenity space and car parking. She believed there should be no compromise on the provision of amenity space, these were modern homes and comparisons were being drawn with houses in the locality which were built in the nineteenth century. The on-street car parking opposite the site is restricted to two hours and it is often used for deliveries. The Highway Authority have recommended refusal. Just because the site is in a Conservation Area does not mean there should be a compromise. The nearest open space is a long way away, there is no service at the rail station on Sundays and there are not enough parking spaces.

Mr G. Parker, agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The site is not of great merit but occupies a prominent position in the Conservation Area. Officers have produced and weighed the benefits against disadvantages. Issues raised by objectors have been addressed in correspondence and on lack of parking and garden areas. There is a lack of consistency because Essex County Council Highway Authority appears to be adopting conflicting standards having accepted flats in Winnock Road with zero parking but have objected to these. He referred to the adopted car parking standards for sustainable sites, which applies to this site and would benefit the locality. The scheme meets the spirit and letter of the council's policies and he asked that permission be granted.

Members of the Committee were very concerned at the very small gardens, the smallest being 16 sq.m. There were too many properties in too small an area and as such they would not provide a good quality of life. If the scheme was for a terrace of two properties it would enclose the street scene, and whilst the garden space would still be below the current standard it would make the scheme more acceptable. The Committee made it clear that whilst they had voiced a view that two properties may be preferable, the applicant should not assume that any scheme for two properties would necessarily gain approval from the Committee.

It was explained that a resubmission for two properties on the site would not necessarily be treated as a free go because as a proposal for a different number of units it would be regarded as a materially different scheme.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds that the proposal represents over-development of the site and the lack of amenity space.

116. 091121 Connaught House, 850 The Crescent, Colchester Business Park, Colchester

The Committee considered an application for the construction of a 1.8 metre high weatherboard clad compound to contain a cooling, heating and ventilation unit. 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.

117. 090802 All Saints Church, Halstead Road, Eight Ash Green

The Committee considered an application to vary Condition 21 of outline planning permission O/COL/02/0306 for the construction of fifteen dwellings with an access road. Condition 21 required an access road onto Halstead Road and vehicular access onto church land prior to the occupation of any of the dwellings. The proposal is to remove the reference to the vehicular access onto church land in Condition 21, whilst preserving the reference to the access onto Halstead Road. The amended Condition 21 to read: "No dwellings shall be occupied until such time that the proposed new access road onto the Halstead Road has been constructed and completed in accordance with the approved plans" Reason: For avoidance of doubt as to the scope of this permission, and in the interests of highway safety. 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.

Councillor Jackie Maclean (in respect of her former acquaintance with the public speaker, Ms Caxton) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

118. 090932 31 Creffield Road, Colchester, CO3 3HY

The Committee considered an application for new garages and an office within the site. The application is a resubmission of 082042. 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.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that there were three issues to consider: conservation and design, the impact on trees, and the amenity of surrounding residents. Members would be aware that the Council had a duty in respect of conservation and design issues. He considered that there would be a limited impact from Creffield Road and the new structures being visible at the entrance to the property and from a new property to the north of the site in Keble Road. It is considered that they would have a neutral impact on the Conservation Area and the contemporary design solution was considered to be acceptable. The tree officer was satisfied that if the scheme went ahead any nearby trees could be adequately protected.

Lesley Caxton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She has lived in the neighbourhood for many years and currently lives to the rear of the site with which she shares a boundary wall. She was also representing residents who live directly opposite the proposed development. Residents were not opposed to an extension providing it did not overpower or destroy the nature of the Conservation Area, but in this case it seemed to be in contrast to the area. The materials used were not found elsewhere in the Conservation Area. She believed it would be possible to use materials which would match those of the property and be in scale but the proposed materials and forms were a disappointment. She did not want the boundary wall to be built on and considered the proposed structure to be so high that it would affect the sunlight to her property in the mornings, be overbearing on her property, and the overlooking would invade her privacy. She would have preferred a single storey building with no overlooking windows which would conform with policy. She hoped the office and workshop would be used only for the purposes associated with the house.

Tim Heath addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This application had been developed following consultation with planning officers. He had

given an undertaking that the garage would be for domestic use. He had a collection of small cars which are used for show and social events so there would be no garage or workshop facilities. He recognised that design was a matter of taste, but considered that the materials would work well with the villa. He was aware of concerns about potential damage to lime trees on the boundary and considered that they needed pollarding to return them to a safe state. He had provided a method statement to take account of the need to protect their roots. The copper roof was in keeping with such buildings as Jumbo.

Councillor Cope attended and, with the consent of the Chairman, addressed the Committee. He had been approached by residents in Creffield Road to oppose the application and referred to policies UEA1 and UEA2 in relation to the Conservation Area. The policies state that materials used are to be sympathetic with the character of the area, and designed to retain and enhance its character. The material to be used could become a laminated cladding which is a lookalike timber and would be the wrong choice for the Conservation Area. There were objections to the use of copper which could cause staining on the boundary wall. He referred to a recent planning approval for a property in a neighbouring road which included a condition that the materials used should be from a range of local materials and the stated reason for the condition was to ensure that the development did not affect the Conservation Area. This proposal appeared to adopt a different interpretation of Conservation Area policy. In the Design and Access Statement there was reference to a workshop but there were no references to a workshop in the report and he queried whether this was a change of use by the back door. The existing garage was potentially an historic building and in their response to the consultation the Victorian Society had submitted an objection to the proposal which appears to be contradictory to the Council's stated policy that the Conservation Area should be protected from inappropriate development.

A number of the Committee members had concerns about the proposal and it being inappropriate for and detrimental to the Conservation Area. The various reasons stated were that the design did not enhance or sit comfortably with the main building nor was the shape of the roof acceptable in the Conservation Area; that the materials, specifically the copper roof, did not fit in with the area; and that the proposal did not enhance the Conservation Area. There was a preference for a more traditional palette of materials and design which would fit in with the area. Members had noted that there appeared to be a difficulty in producing a traditional scheme with a room in the roof and it might be necessary to eliminate this element from the front garage with a taller pitch on the rear garage. There were also concerns about the possibility of there being some sort of workshop facility and a condition was requested to restrict the garages to domestic use. It

was highlighted that these structures were attached to a building and were not buildings in their own right.

Officers explained that the office and workshop was designed to be ancillary to the house and provided they remained so there were no planning issues. The intention was to use the building for private enjoyment but an informative could be added. The scheme has been designed to preserve and enhance the Conservation Area. Referring to council policies it was explained that it was important that new buildings should not imitate earlier styles, but should reflect their context. Local authorities should not attempt to impose a style on an applicant but the design should be contextual and linked to the main building and the surrounding area. Members had voiced differing views on whether contemporary design was appropriate; the response was that it cannot be ruled out, but it was noted that in this case members would prefer a more traditional form. The officer view was that the proposal would have a limited impact on the wider Conservation Area because it was set well back from the frontage and direct views could only be glimpsed down the side elevation from the front. Views from the side elevation and from Keble Close were restricted.

Officers also acknowledged that members were uncomfortable with the choice of materials and were suggesting the use of traditional materials. However, it was considered that the use of materials which emulated the original building would not be successful as it would appear as an addition rather than being seamless with the building. The use of materials different from the original building would create a subtle building. There should not be an attempt to create something which was clearly not old. This modern building and the historical building would both be using materials of their time.

RESOLVED (MAJORITY voted FOR) that the application be refused on the grounds that it is contrary to Council policy because the proposal fails to preserve or enhance the character of the conservation area by virtue of its design, materials and siting.

119. 091057 The Coast Inn, 108 Coast Road, West Mersea, CO5 8NA

The Committee considered an application for the retention of posts and shuttering to enclose a car parking area on a small parcel of land to the west of Coast Road opposite The Coast Inn including a further stretch to contain land immediately to the east. 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 Essex Wildlife Trust to be consulted on the proposal.

(b) In the event that no adverse comment is received from Essex Wildlife Trust, 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 any additional conditions recommended by the Essex Wildlife Trust.

120. Guidance Note // Shopfront Security Guidance

The Head of Environmental and Protective Services submitted a report and a draft guidance note on shop front security. The guidance note is intended as an interim measure until such time as a Shop Front Design Guide is produced. The draft guidance note outlines the different types of security currently available and provides advice on the most suitable options. An essential requirement would be a high degree of transparency to enable the window display to be seen and light to diffuse through the shop front onto the street at night. The guidance note also provides information on the requirement for planning permission and listed building consent. The Committee had before it a report in which all information was set out.

Nelia Parmaklieva, Urban Designer, attended to assist the Committee in its deliberations. The guide was for all shopfronts, not just those in Colchester town centre. It was explained that it was intended to distribute the guide to estate agents and to post it on the council's website.

Members of the Committee thanked officers for the guide and suggested that the guide also be distributed via the non-domestic rates, Colchester Federation of Small Businesses, the Chamber of Trade and Commerce, the managers for Culver Square Centre and the Lion Walk Centre.

RESOLVED (UNANIMOUSLY) that the Guidance Note on Shop Front Security be endorsed.