

PLANNING COMMITTEE

4 DECEMBER 2008

Present :- Councillor Ray Gamble* (Chairman)
Councillors Mary Blandon*, Peter Chillingworth*,
Helen Chuah*, Mark Cory, John Elliott*, Wyn Foster*,
Chris Hall, Sonia Lewis* and Nigel Offen*

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

165. Minutes

The minutes of the meetings held on 11 and 20 November 2008 were confirmed as a correct record.

166. 080690 Middle Mill Depot, Middle Mill Road, Colchester

The Committee considered an application for the erection of seven dwellings. This application was a resubmission of planning application 071726. 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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that there was a first floor window in an adjacent property which would suffer a loss of daylight and outlook as a result of the development. However, the developer had offered to provide a new window at the rear of the property subject to the owner being willing.

Dimitri Murray, representing the Dutch Quarter Association and local residents, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had expected any buildings to be designed sympathetically with the area which he considered these did not; the main objection being the three storey elements which affected the adjacent, early 18th century listed cottages. The photo montage shown during the presentation had favoured the development because of the angle and viewpoint it depicted. The dwellings have been substantially raised to reduce the likelihood of flooding. He considered the site to be only sufficient for five dwellings. He was disappointed with the tree report and wanted any replacement trees to be young trees, rather than saplings.

It was explained that photographs from the 1950s showed the former mill to be further north of this site. The photo montage was considered to provide a reasonably accurate representation of the development. The first new dwelling had been designed to be sympathetic to its neighbour at no. 5 Middle Mill by virtue of a double pile roof on the elevation adjacent to the existing dwelling. The density and garden sizes proposed were considered to be acceptable because of the location of the site

close to the centre of Colchester town and its proximity to the Castle Park open space. Much consideration had been spent on assessing the risk of flooding with the full involvement of the Environment Agency and they were satisfied with the strategy adopted which complied with PPS25.

Members of the Committee were grateful to the public speaker and the association he represented for its continued interest in protecting the area. This was a valuable part of the Conservation Area and the design was crucial to the area. It was disappointing that the Dutch Quarter Association did not find the proposal suitable. It was considered that the mix of two and three storeys worked well; the centre section of the frontage onto Middle Mill Road appeared similar to a mill. The line of the roofs was similar to that at no. 5 Middle Mill and the proposal reflected the scale of the area. It was considered that the new development would disguise the former sorting office at the rear of the site. There was, however, some dissatisfaction at the overshadowing of the side window of no. 5 Middle Mill Road and that it was proposed to make adjustments to that property rather than adjust the proposed adjacent new property.

The decking provided an escape route in the event of a flood, but there was nothing to prevent owners of the dwellings in the future from not maintaining or removing the decking. This was an important element and a means should be found to ensure its retention. There was the likelihood of foxes in the area occupying the space beneath the decking and a side board to the decking should be included to prevent this from occurring.

There was a concern at the possibility of the loss of trees in view of there being so few in the Dutch Quarter and any replacement trees should be fairly substantial. The trees in the park added to the scene but those currently on the frontage of the site were in poor condition. The tree on the river bank, outside the boundary of the site, should be retained as it was important for the environment. It was explained that as this tree was within the Conservation Area which conferred on it protection status, so that any lopping or topping would need to have prior approval.

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, together with additional informatives for the retention of the wooden decking and the provision of a means to prevent foxes entering underneath.

Councillor John Elliott (in respect of his acquaintance with the owner of the company making the application) declared a personal interest in the following item

pursuant to the provisions of Meetings General Procedure Rule 7(3)

167. 081758 19 Cherry Chase, Tiptree

The Committee considered an application for a variation of planning condition 4 and 5 of planning approval 081069 to remove an existing Horse Chestnut tree and replace it with four specimen trees and a row of apple tree cordons, and a variation to planning approval 081069 to provide a rear conservatory to the proposed dwelling. 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 as set out in the report.

168. 081891 Waterside Place, East Street, Colchester

The Committee considered an application to vary condition 23 on application F/COL/04/11273 to delay the construction of eighteen garages for a year. Eighteen car parking spaces will be constructed and a boundary fence. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions as set out in the report.

169. 081640 At Last, Mill Lane, Birch

The Committee considered an application for a proposed extension and alterations. 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.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. It was explained that other properties in the area had extensions up to the boundary which predated the current policy. It was considered that in general terms the street would not suffer unduly as a result of this proposal.

John Angel addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Mr Angel had moved into the property the day before this meeting. He had chosen the property as it provided a place to sit outdoors and an alternative sitting area inside. The rear part of the proposed extension would eclipse the sunlight from the kitchen and dining room from September to April. He was concerned about the side extension above the garage being two storeys because the agreed guidelines did not permit this. However, it was not the case that he did not want them to have an extension but he wanted them to be more neighbourly and to allow as much sun into his dining room as

possible. His extension is nearly 3 metres away from the boundary so it does not block direct sunlight to their dining room and was not so overpowering. He asked that it be moved 2 metres from the boundary line to permit more sunlight, and instead of the roofline continuing up to the gable end it should be amended at the front so it does not come out as far. This would also help with the loss of sunlight.

Mrs Atkins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She refuted the assertion that the proposal would blight the neighbour's new home. She quoted from the document 'Extending Your Home' , "Planning Considerations – it is not possible to produce a few simple rules and guidance against which all proposals can be assessed". She hoped that the Committee would agree with the case officer's recommendation as they had tried to meet every requirement for the application which was reflected in the report.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. This is a difficult situation with the two new neighbours and he had visited both dwellings. Currently many people are looking to extend their homes especially if they have a large family. He was in support of the application and drew attention to how much the applicants have worked with the planning department. As a result of negotiations the applicants have agreed to requests from the planning department resulting in the plans today. It is important that all neighbours concerns are listened to but in this case it is a common sense recommendation. The parish council has no objection to the proposal, it fits all the criteria and the extension is recommended by the planning department.

It was explained that the application had been amended to take account of both the outlook and the 45 degree rule. In respect of the 45 degree rule, a line projected at 45 degrees from the centre of the window should not strike the extension; neither should a 45 degree line taken off the corner of the dwelling strike the extension. The scheme, including the two storey element, had been amended to meet both these requirements. By way of confirmation, the properties have a northeast aspect to the rear.

Members of the Committee emphasised the importance of the 45 degree rule in this case. It has been explained that in this case the 45 degree rule, which is to ensure that light can get into the neighbour's living room, has been met. In addition, there was a very large extension to the objector's property with a large window looking out into the garden so in respect of light to the property, it did not appear that there would be a significant amount of harm to the amenity of the property. In respect of the boundary rule, this should be judged as fitting in with other similar developments in the road; so it is judged that this development would not change the street scene.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions as set out in the report together with the standard informative relating to demolition and construction works.

170. Application O/COL/01/0009 New Urban Village // Affordable housing tenure review

The Head of Environmental and Protective Services submitted a report requesting that the Committee endorse the deed of variation which reflects the outcome of the affordable housing tenure review required as part of the 299A legal agreement dated 30 June 2003 and signed as a part of the outline planning permission O/COL/01/0009 for the Garrison Urban Village development.

As part of the outline permission the Council secured 25% of the total number of dwellings to be provided as affordable housing units. The legal agreement requires 25% of the first 361 dwellings to be provided as affordable rented units; these units have now been provided. The legal agreement further requires the Council and the developer to review and determine the tenure mix of the remaining affordable housing units in order that a deed of variation to the 299A legal agreement can be entered into to secure the outcome of the negotiated affordable housing tenure review. The review has been undertaken taking into consideration current central and local government planning policies, the provisions of the Council's adopted Supplementary Planning Guidance on Affordable Housing, the availability of funding for the provision of affordable housing and the economics of such provision. The recommended mix for the development as a whole is a minimum of 80% affordable rented units and a maximum of 20% shared equity units.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that the provision of a minimum of 80% affordable rented units and a maximum of 20% shared equity units for the Garrison Urban Village development be endorsed.