

PLANNING COMMITTEE
20 MAY 2010

Present :- Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, Helen Chuah*,
John Elliott*, Andrew Ellis*, Stephen Ford,
Theresa Higgins*, Jackie Maclean, Jon Manning and
Ann Quarrie

Substitute Member :- Councillor Barrie Cook for Councillor Laura Sykes*

Also in Attendance :- Councillor Julie Young

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

3. Minutes

The minutes of the meeting held on 29 April 2010 were confirmed as a correct record.

4. Public Apology from Councillor Richard Martin

Councillor Richard Martin attended and, with the consent of the Chairman, gave the following public apology:-

“At the Planning Committee meeting held on 7 January 2010 a debate took place on whether or not to grant planning permission to Colchester United Football Club for a new training ground and Club house on land adjacent to Grange Road, Tiptree.

During my contribution to that debate I made a comment about our officers having ‘a hidden agenda’ to drive the application through. In hindsight, I can see that this was an inappropriate comment which I cannot substantiate. Whilst I maintain my view that this is an unsuitable form of development in Tiptree, I wish to take this opportunity to offer my apology to our Planning Officers if my comment impugned their reputation or the reputation of this Council, in any way.”

5. 100131 Land at rear of 1-18 Cherry Chase, Tiptree, CO5 0AE

The Committee considered an application for the demolition of existing garages and construction of seven one-bedroom bungalows and one two-bedroom bungalow and associated car ports for occupation by tenants of Wilkin & Sons Limited. 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.

Councillor Ann Quarrie (in respect of having an association with the applicant and the objector for many years) 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) and she left the meeting during its consideration and determination.

Councillor Stephen Ford (in respect of his former close association with the applicant's partner) 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) and he left the meeting during its consideration and determination.

6. 100553 Innisfree, De Vere Lane, Wivenhoe, CO7 9AS

The Committee considered an application for a new one and a half storey house with vehicular access. The application is a resubmission of 091158 but with a slightly bigger plot with a frontage onto Woodland Way of 12.4 metres. The floor area has been reduced to 58.5 metres square and the design has been amended. 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. He referred to the character of the area and that within this context it would be inappropriate to permit the proposed development. It was recognised that infill had taken place further along to the east end of De Vere Lane where plot sizes were smaller and also to the north of the area where plot sizes were smaller in general terms but larger than this particular plot. The submitted Design and Access Statement took an opposing view that the character of the area was fairly mixed and therefore the addition of a new dwelling on this plot was acceptable.

Ann Thomas addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Her garden backs onto the garden of the application site. She contended that Woodland Way, Beech Avenue and west De Vere Lane was a quiet corner of Wivenhoe with large houses, whereas this proposal was substantially different. The proposed flank wall was less than two metres from her rear fence resulting in an unacceptable degree of overshadowing of her garden. The proposed dwelling was set at 90 degrees to other houses and would impact on the privacy of residents at Sylvan Oak. The full impact of the proposal could only be appreciated from the garden. The supporting information suggested another house in De Vere Lane has set a precedent but she rejected this view. Both Wivenhoe Town Council and other neighbours opposed the application.

Vanessa Baxter addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This proposal was a new, architect designed, home on part of an extensive plot. The objective was a sensible

design compatible with the area and in scale with Innisfree. There would be no overlooking or over shadowing of neighbours' properties. The size of the plot had been increased and the footprint of the dwelling had been reduced. The proposal was in line with the Council's policies on infill developments and garden sizes and as such would fit in with the surrounding area and cause no material harm to the street scene. The area comprised mixed plot sizes and designs. The original objections had all been addressed and she noted that some neighbours had supported the plans. She regretted that Wivenhoe Town Council and Wivenhoe Society now supported objectors.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. She referred to Local Plan policies including UEA 11, 12 and 13, and UR2 of the Core Strategy. She considered that the development adhered substantially to these policies with the exception of design and the character of the area. The opinion that the dwelling was poorly designed seemed to be a subjective view and there also seemed to be a subjective interpretation of the character of the area. The development satisfied the policy on infill in its entirety. PPS 3 covered context, including architects materials, design and overshadowing; the only element in PPS 3 not fully covered was context. The application is a resubmission of an application recently withdrawn and replaced with this new proposal which fitted in with the street scene.

It was explained that the context was the main issue. There was no suggestion that there were any problems with the design or with impact on privacy or overshadowing. The issue was whether or not the proposal was appropriate and in this case the view was that the context was not right for this development in this location as explained in paragraph four of the reasons for refusal.

Members of the Committee considered the report to be very comprehensive. The Committee had made a site visit. It was appreciated that the applicant had taken the trouble to get the application to a form which may be acceptable, especially in relation to design and also to overcoming objections. However, for many years there were problems with backland developments because they frequently changed the character of an area. People are attracted to an area because of its character which changed when a new development conflicted with that character. Policy UR2, built design and character, is the outcome of efforts to prevent such occurrences. The adopted Supplementary Planning Document on backland development is supportive of that policy and the Committee should support this policy. This proposed development is a good example of where this policy is trying to address these issues. Members considered this to be an incongruous form of development and the officer had provided extensive and well researched reasons for refusal on good grounds, particularly PPS 1 and 2 which had been used in the right context here. In another context Members could see the proposal being acceptable but in this context it was too much development on too small a plot and it did not fit in with the character of the area.

In response to a query about the parking provision, it was explained that this proposal met the parking requirement for a two bedroom property. In response to a query regarding whether any development would be acceptable on the site, it was explained that the report clearly set out the nature of the area and the reasons why it would not be

appropriate to recommend any development on this particular site.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds set out in the report.

7. 100667 Westview Cottage, Long Road West, Dedham, CO7 6EH

The Committee considered an application for the demolition of an existing house and outbuildings and their replacement with a five bedroom detached house and double garage. Planning permission has previously been granted for a replacement five bedroom dwelling and double garage on this site. 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.

8. 100484 Villa 7 Turner Village, Turner Road, Colchester, CO4 5JP

The Committee considered an application for a variation of Condition 10 of planning permission 090800, for the removal of an ash tree, reference T003. 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.

9. John Davies, Principal Planning Officer

The Chairman made reference to John Davies' imminent departure from the Council and that this would be the last meeting he would attend. He paid tribute to John who had been an excellent planning officer and had done a very good job for Colchester Borough Council. On behalf of the members of the Committee he thanked him for his support and wished him well in the future.

10. Amendment Sheet