

PLANNING COMMITTEE
29 JULY 2010

Present :- Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, Helen Chuah*,
Stephen Ford, Theresa Higgins*, Jackie Maclean*,
Jon Manning*, Philip Oxford*, Ann Quarrie* and
Laura Sykes*

Substitute Members :- Councillor Richard Martin for Councillor John Elliott*
Councillor Wyn Foster for Councillor Andrew Ellis*

Also in Attendance :- Councillor Lesley Scott-Boutell
Councillor Colin Sykes

(* Committee members who attended the formal site visit.
Councillors L.Sykes and Chillingworth were not present
at the site visits referred to at minute nos. 57 and 59
respectively.)

53. Minutes

The minutes of the meetings held on 1 July and 15 July 2010 were confirmed as a correct record, subject to minute no. 36 of the meeting held on 1 July 2010 being amended by the deletion of the word "no" in the eighth line of the seventh paragraph. The sentence to read "If there were alternative sites in Colchester then refusal was the correct decision."

54. 100394 121A London Road, Marks Tey, CO6 1EB

The Committee considered an application for a new workshop building for the maintenance of touring caravans. 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.

55. 100646 Tubswick, Mill Road, Colchester, CO4 5LD

This application was withdrawn from the agenda by the Head of Environmental and Protective Services for further consideration of matters raised in representations.

Councillor Richard Martin (in respect of having used the services of the agent, Mr E. Gittins) declared a personal interest in the following item pursuant to the

provisions of Meetings General Procedure Rule 7(3)

56. 101124 Unit K1, Salmons Lane, Colchester, CO6 1RZ

The Committee considered an application for a change of use of Shed K1 from agricultural use to storage B1 office use. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Wanda Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was putting forward the objections from residents in East Gores Road. This is a countryside site not an urban area. There is potential for another four or five units. This is not about a single business but a business park in a rural location with no public transport which is not a sustainable location. There are more suitable sites nearby. This proposal is contrary to the diversification policy. East Gores Road is a quiet, single track road used by children walking to school.

William Sunnucks addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He had lived at the site since 1992 and for the first eight years an industrial scale broiler chicken unit had occupied the site with associated vehicle movements. In respect of the traffic issue, he had asked that the occupants of the units drive quietly, but the site does generate some traffic. The lane was not as quiet as it had been. The condition requiring the drive to be resurfaced with tarmac was a suggestion to reduce noise from vehicles travelling over a gravel drive. This application was in line with planning policy.

Members of the Committee considered that this development was a small increment for three cars which would be using the lane only at commuter times. The Committee were mindful that these were agricultural buildings which could generate traffic such as combine harvesters.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

Councillor Colin Sykes (in respect of being Chairman of Stanway Parish Council and the spouse of Councillor L.Sykes) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Laura Sykes (in respect of having visited the property in the past in connection with a matter unrelated to this application and being a member of Stanway Parish Council and the spouse of Councillor C.Sykes) 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.

57. 101231 6 Columbine Mews, Stanway, CO3 0SG

The Committee considered an application for a single storey front extension of 3.375 metres deep and 5.85 metres long. 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 explained that there was a minor amendment to the site plan which included a small triangle of land at the end of the rear garden. The detailed and reworded reasons for refusal were set out on the Amendment Sheet.

Ben Conway addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His key objection was on the grounds of the adverse and detrimental impact on the character of the street scene. He considered the extension to be disproportionate and cramped which was made worse by parked cars. The extension occupied most of the front garden and would dominate the Mews. The pitch of the roof of the proposed extension was different from the pitch of the roof of the house. The proposal would be detrimental to the outlook of nos. 4 and 5 and was not consistent with policy. He believed there was sufficient room in the applicant's rear garden for an extension to provide additional accommodation.

Gary Miller addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He made reference to their childrens' medical conditions and as a result they would like to be able to have their meals close to the kitchen area to eliminate logistical issues, to avoid leaving their children unsupervised and to be able to manage them better. However, the kitchen was small and resulted in congestion. Their neighbours at nos. 1 to 4 Columbine Mews and a neighbour in Cornflower Close were all happy with the plans. They could not afford to move and did not wish their children to have to change schools.

Councillor C. Sykes, Chairman of Stanway Parish Council, attended and, with the consent of the Chairman, addressed the Committee. He confirmed that five neighbours supported the application and the parish council had no objections. Columbine Mews was fairly cramped by virtue of the solid walls of the properties in Cornflower Close which were either side of the entrance to the Mews. He did not believe that the extension would extend so far that it would harm the close. No. 3 has very little garden and most of the other dwellings have only modest gardens. This extension would take up most of the front garden as is the case with a property in Cornflower Close. If required it would be possible to achieve articulation and a different slope on the roof. He considered this proposal would appear more cramped than at present but not to the extent of being detrimental and no worse than other properties in the vicinity.

Councillor Lesley Scott-Boutell attended and, with the consent of the Chairman,

addressed the Committee in support of the objector at no. 5. Whilst it would not affect any amenity policies it would cram no. 5. She was not comfortable with the proposal which would leave only 1.4 metres of front garden. Front extensions on other properties opposite were part of the original design. The roof pitch was too shallow and would be different from the pitch of the roof of the house in order to connect to the front wall below the first floor windows. This application was purely function over form and contrary to the Essex Design Guide.

Members of the Committee were sympathetic to the needs of the family and considered that there was room for a smaller extension. They considered that this proposal was too large, it extended too far forward and was too overbearing. They wanted it set in from the sides of the house to achieve articulation and for the pitch of the roof and the tiles used to match those of the main roof.

It was explained that the issues raised by the objector related to design, residential amenity and highway impact. It was considered that there were no serious residential amenity issues, but there were issues of outlook, size and design, and impact on the street scene. The pitch of the roof extension did not reflect the roof pitch of the house. There was no objection to the loss of garden itself but those on properties with a contemporaneous front extension, the extension was set in so that it did not extend to the full width of the property, and the roof pitch matched that of the main roof; and this was the form of extension that would be acceptable. It was hoped that the applicant's agent could negotiate an acceptable compromise.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds as set out in detail and reworded on the Amendment Sheet, the substance being that the proposal:-

- is poorly designed or out of character with the appearance of the original building;
- does not enhance the character of the area and is discordant with the context;
- creates a cramped street scene;
- the pitch of the roof is too shallow;
- lacks articulation with the house and fails to promote the additive form.

58. 100735 Shepherds Lodge, Coles Oak Lane, Dedham, CO7 6DR

The Committee considered an application for the removal of Condition 03 of application COL/679/87 limiting occupation to persons wholly or mainly employed or last employed in agriculture. The Committee had before it a report in which all information was set out.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She explained that the property had only been marketed for rent and not for sale, so an additional condition was proposed to restrict any occupants of the property to a rental basis and it would not be permitted to be sold because it has not been marketed on a for sale basis.

Hector Wykes-Sneyd addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stressed that his client did not wish to sell the property, but intended to rent out the property. However, in planning terms the issue was the occupation of the property not the ownership. He expressed uncertainty that advertising the property for sale would produce a different response from advertising the property for rent. He referred to the proposed additional condition to restrict the property to occupation by renting and asked that it include a time limit of five years.

In response to a query from a member of the Committee on the position if the property was part of a business and the business was sold, it was explained that the current owner could sell the property provided the new owner only rented out the property. The Committee were mindful that the property had been tested in the market for properties to rent but not in the market for properties for sale. If the owner's circumstances changed they would be able to submit a further application having gone through the process of a test in an open market sale.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with the following additional condition:-

The property known as Shepherds Lodge, Coles Oak Lane, Dedham shall not be sold and shall only be occupied on a rental basis. Reason: The submitted information indicates the property has only been marketed for rent and the application has been determined on that basis.

Councillor Peter Chillingworth (in respect of having made comments on the application prior to the Committee's meeting) 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) He made representations on the application in accordance with Paragraph 12(2) of the Code of Conduct for Members and then left the meeting during its consideration and determination.

59. 101079 Toad Hall, Colchester Road, Chappel, CO6 2AE

The Committee considered an application for a rear extension and a new roof over the property to form additional rooms within the roof space. The application is a resubmission of 100712. 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, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that the application site was within the village envelope and the Countryside Conservation Area. Notwithstanding the difference in ground levels, the orientation was such that the increase in height and length of Toad Hall was not considered to interfere with the light to Holly Cottage.

Councillor Chillingworth addressed the Committee on behalf of Chappel Parish Council and the objector pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Neither party objected to the principle of the bungalow being improved and extended but the height was a concern. Holly Cottage was set fairly low and this would be a substantial two storey house with an increase in height of three metres to the ridge and will take light away from the patio area of Holly Cottage. He asked that the ridge line be reduced and the upper storey rooms be lit by roof light windows rather than dormer windows to provide the same accommodation. The neighbours arrived four months ago and immediately cut down the hedge and a few weeks later the application was submitted.

A member of the Committee believed that the objector's solicitors would have been aware of any applications prior to their purchase of Holly Cottage.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report and on Amendment Sheet.