

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
4 March 2010 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**11. Amendment Sheet**

**51 - 57**

See amendment sheet attached.



# AMENDMENT SHEET

Planning Committee  
4 March 2010

## AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

### 7.1 & 7.2 – 100091 & 100093 – Cavalry Road/Stable Road, Colchester

One letter of comment has been received in respect of the proposed conversion of LEC 08 & LEC 09. The comments can be summarised as follows:

The original decision to turn the Cavalry Barracks opposite my house in Butt Road was welcomed and can offer a beautiful resource to Colchester. A park or garden of remembrance would provide a positive benefit to a town of great historical importance.

*Officer response: The letter acknowledges that the conversion of these listed buildings will make a positive contribution to this part of Colchester. The retention of the buildings provides a tangible link to Colchester's military past and this will be further reinforced through the erection of public art in the central pocket park within this development. The comments regarding the creation of park or garden of remembrance are noted. Areas of public open space are being provided as a part of the wider redevelopment of this part of the Garrison site and will complement the Abbey Field area of public open space.*

#### Revised Recommendation:

It has been noted that a number of nearby residential units have not been sent a notification letter; press and site notices have been issued in accordance with standard procedures. Notification letters have now been hand delivered to the relevant properties and the expiry date for receiving comments from these properties is 17 March 2010. In view of this it is proposed that the recommendation for these two applications is amended so that the decision is deferred and that the Head of Environmental and Protective Services is authorised to grant planning permission (for both applications) subject to no new planning issues being received before 18 March 2010 (that can not be resolved by an appropriately worded condition) and the submission of a signed unilateral agreement.

**7.3 100044 – Blomfields, Long Road East, Dedham**

**Dedham Parish Council comment as follows:-**

**“The Parish Council Planning Sub-Committee have considered this application and have no objections in principle, however, firstly we feel that a temporary approval for one year would be the way forward as concerns have been raised by some near neighbours regarding the increase of traffic movements which could then be monitored during the first year in operation. If no problems manifest themselves then full planning permission could be granted thereafter.**

**Secondly, as there is no indication of signs or advertisement boards on the plan, therefore we wish a condition to be attached that no signs or noticeboards are to be erected advertising this facility.”**

**7.4 100047 – Seasons, Monks Lane, Dedham**

Paragraph 5.1 (Policies) add – CO2 – Dedham vale AONB

Dedham Parish Council – Delete reported comments and replace with the following:-

1. In our response to the application No. 082034 in December 2008 we set out notes for guidance explaining why any larger property would be unacceptable in this rural situation. These reasons are still valid and we enclose a copy for your reference.
2. We consider the plans submitted fail to show once again the gradients across this site and how dominating the structure is relative to adjacent properties. The north end of the site would obliterate any view across the valley when exiting from the Green lane and the open balconies would clearly deprive the neighbours and the properties on the other side of the valley of the privacy they currently enjoy, impacting also on their rural amenity.
3. Monks Lane is a narrow protected lane over most of its length with modest bungalows, cottages and a listed building making up the street scene. This proposal has no place in this street scene or the open rural aspect to the north.
4. When viewed from the Blackbrook this small valley view is currently dominated by the white conservatory perched above the current hedge line which we consider will then be accentuated by the boarding and glazed area proposed on that side elevation, obliterating more of the backdrop currently enjoyed when walking the Essex Way.

5. From a design prospective no properties have a flat roof in this lane and the overall appearance contains none of the vernacular found anywhere in this valley. Balconies do not lend themselves to a 'cottage design' contrary to the Design and Access Statement submitted.
6. There are elements of the Dedham Village Design Statement (adopted by Colchester Borough Council) we feel have been ignored (See pages 39 and 40).
7. The Design and Access Statement refers to space needed for the possible future needs of the Applicant's wife on mobility grounds. The inclusion of a first floor we consider is not the way forward. The property should be adapted on one level.
8. The reason given for refusing an application for the property next door 'Hamptons' in the year 2000 are also still applicable to this property (see reasons for refusal)

**The Parish Council comments in respect of the previous application 082034 are reproduced as follows:-.**

**"The Parish Council Planning Sub-Committee have considered this application and are unanimous in our opinion that this application should be refused for the following reasons:**

**Sited within the hamlet of Lamb Corner at the end of Monks Lane we consider this proposal to be classified as an overdevelopment with the new property becoming a prominent feature at the end of a group of predominantly small cottages.**

**The proposals represent a 100% increase in the floor area which far exceeds what this Parish Council consider is a reasonable extension.**

**The Architect's plans fail to show the fall from Monks Lane to the stream which is estimated to be around 1:3 across the width of the building with the conservatory being supported by a wall 1.8 to 2.0m high and also the relative heights at the front relating to the levels at Monks Lane.**

**The balconies whilst taking advantage of the view will also overlook the neighbouring properties.**

**We feel that to date any development in this small lane should and has been restricted in accordance with the requirements of an AONB and Countryside Conservation Area. To accept these proposals would set a dangerous precedence and contravenes Policy CO2.**

**We have on file a copy of a letter dated 6 March 2000 written by Mr & Mrs Knowles and referring to Application Number F/COL/00/0266 and relating to a first floor extension at Hamptons which is the house nextdoor. This letter obviously formed part of the Planning Officer's documents when refusing this application and we feel the content also relates to this application."**

Paragraph 8.1. Delete Dedham Vale Society and replace with Dedham Vale AONB & Stour Valley project.

Dedham Vale Society:

“Development is no more acceptable than 082034. The proposal would not improve the appearance of the building or give it a “cottage feel”. The matching UPVC doors & windows nor concrete tiles can be described as “traditional features”. The roof is too high and the whole design lacks coherence. The “first floor conservatory” and balconies have no precedent in the local vernacular and will make the building intrusive. Deep concern is expressed as to the loss of trees on the adjacent plot. The scheme would set a precedent for the enlargement of other dwellings contrary to the general guidelines in the Dedham Village Design Statement i.e. small houses, cottages and bungalows which have not been enlarged should be retained throughout the parish in order to ensure a balanced housing stock.”

*Officer Comment:*

*The existing building can not be deemed to be a small property and has been previously extended with the addition of a conservatory. With regard to the proposed external materials these are stated as matching the existing. This is considered to be acceptable in the circumstances where the development is an extension to an existing building as opposed to a replacement dwelling. It is noted, however, that the Applicant has stated in a letter of response to the objections that it his intention to replace the existing concrete tiles with a clay plain tile. The reference to the use of the vernacular is appreciated, however, this should not be used to stifle an original design where it is otherwise acceptable.*

The Applicant has submitted a lengthy response, accompanied by supporting photographs taken from various vantage points, to the submitted objections. The salient points are summarised as follows:-

- The need for vehicular access from Grove Hill is not factual. The development does not require any groundworks and the property is accessible from Monks Lane. It is not physically possible to drive a vehicle over the field & brook without very major construction works. As there are no groundworks and no requirement for the plant associated with such works, the main work will be completed in a short period of time.
- There is no intention to remove any trees as this would also affect his privacy
- The existing buildings in Monks Lane are varied in design and age. Other properties along Ardleigh Road have been extended, including Greystones (two storey rear extension and buildings in the garden.
- The existing building is not of a traditional style and the appearance would benefit from the proposed changes. The current artificial rooftiles will be replaced with natural clay plain tiles.

- The comments relating to objections to a proposed extension at 'Hampton' are repetitive of the objection to the previously submitted scheme, which was accepted as being of excessive bulk and subsequently withdrawn.
- Principle objection is based upon the concept that the extension will be seen from Monks Lane, Coles Oak lane and the footpath along Black Brook. This is not a valid objection – it should be based on the impact the appearance has on the surrounding natural environment
- The development will not dominate Monks Lane or the surrounding footpaths. The increase in height is slight and will have less impact than the 18 applications for development since May 1992, including his conservatory.
- Privacy is important but does the fact that a building can be seen through a gap in trees or from the bottom of a garden constitute an invasion of privacy. The mature trees that screen Greystones in the spring, summer and autumn will be retained if the purchase of the adjoining land goes through.

The occupiers of 'Greystones' state that the supporting letter from the Applicant contains a number of inaccuracies and that the photographs have been taken from advantageous angles:-

- Trees on their garden do not offer any privacy between their property and 'Seasons' but provide privacy between 'Greystones' and 'Hampton'
- The additional floor and balcony will have a serious impact on their environment and privacy
- Their property has no office buildings in the garden and was extended some 35 years ago by the previous owner
- The photographs provided by the Applicant fail to show that 'Seasons' and particularly the white conservatory are clearly visible and dominate various sections of the footpath along Black Brook from Brookside to Monks Lane.
- Their comments regarding the use of the adjacent land and removal of trees is based upon conversations between the Applicant and the vendor of the land relating to the proposed landscaping of the existing garden of 'Seasons'

*Officer Comment:*

*The issues of privacy and the possible use of an area of adjacent land are referred to and addressed in the body of the Committee Report. In terms of the design and scale of the development the development has to be judged upon its own particular merits, having due regard to its setting and context within an area containing a variety of house types and designs.*

A letter of objection has been received from the occupiers of 2 The Cottage. The objections are summarised as follows:-

- Overlooking & loss of privacy – the two storey extension will directly overlook their front garden
- Visual amenity – development will dominate and, without landscaping, have adverse effect on the existing leafy lane. Single storey building would be less obtrusive.
- Turning, road access & traffic – Monks Lane is narrow without any turning area. Obstruction caused by large vehicles/vans
- Effect on conservation in the AONB – development will be a blot on the landscape
- Layout and density of building – new development is too high & bulky
- Design, appearance & materials
- Landscaping – no mention of additional screening or trees. Original hedgerow and verge should be re-instated
- Previous planning decisions – previous application was denied

The objections referred to in the Report make reference to a previously refused development at the adjacent property 'Hampton'. A scheme for the conversion of the existing bungalow to from a two storey house (described as a 'First floor extension') was refused in March 2000. The Decision Notice cited that the external appearance of the extension was below the standard required for this site within the AONB. The refusal did not state that the conversion to a full two storey dwelling was unacceptable in principle merely that the proposed design was not good enough. The Officer's notes recognised that the site lay within an area of mixed housing development.

**Additional conditions and informative**

1. **All construction vehicles, plant and materials shall be stored clear of Monks Lane, Dedham, and this Lane shall be maintained clear of any obstruction at all times during the construction of the approved development.  
Reason: In the interests of the amenity of the area and occupiers of dwellings within Monks Lane.**

2. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows, dormer windows or other openings, shall be constructed or formed in the south facing elevation of the building hereby approved.  
Reason: In order to safeguard the amenity of the adjoining dwelling.**

**Informative**

**The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction and Demolition Works for the avoidance of pollution during the demolition and construction of works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of works.**

7.6 100073 – East Hall Farm, Church Lane, East Mersea

Withdrawn by applicant

**Agenda Item 9 – Enforcement Report - 14 Magdalen Street, Colchester**

The banner has now been removed from the building and no action is required.

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
4 March 2010 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part B**

(not open to the public or the media)

**Pages**

**There are no Section B Items**