

# Planning Committee

Thursday, 25 May 2017

**Attendees:** Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford

**Substitutes:** Councillor Michael Lilley (for Councillor Rosalind Scott)

**Also Present:**

## **465 Site Visits**

Councillors Chuah, Higgins, Jarvis and Loveland attended all the site visits. Councillor Liddy attended the site visit to Colnehaven, Phillip Road, Wivenhoe only.

## **466 Minutes of 13 April 2017**

The minutes of the meeting held on 13 April 2017 were confirmed as a correct record.

## **467 162925 57 Dunthorne Road, Colchester**

The Committee considered an application for a proposed dwelling at 57 Dunthorne Road, Colchester. The application had been referred to the Committee as it had been called in by Councillor Smith. 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 proposals upon the locality and the suitability of the proposals for the site.

Eleanor Moss, Planning Officer, presented the report and together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Derek Gearing addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that he had been given little notice of the application's consideration by the Committee and to prepare his case. He was concerned about contradictions in the application in relation to the removal of trees and the garage and he considered that the building line had not been adhered to. He considered there were significant existing highway problems as a result of traffic and on-street parking which were exacerbated due to the lack of a pavement and street lighting. Should the development proceed he was of the view that all materials would need to be delivered via Dunthorne Road. He considered that there considerable local objection to the proposal and that the Committee needed to bear

these views in mind.

John Spencer addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He confirmed that the design was in-keeping with the street scene, no objections had been forthcoming from the highway authority and the proposed garden sizes were acceptable. He had discussed the plans with the planning officers in order to produce a proposal which would merit approval.

Councillor Smith attended and with the consent of the Chairman addressed the Committee. He acknowledged that it would be unreasonable to object to any form of development on the site but considered the current proposal for a house was too large given the predominance of bungalows in the area. He sought clarification regarding the building line and considered that proposals for a bungalow may be more acceptable. He referred to the narrow width of Green Lane to the rear of the site which was popular with walkers and cyclists and was of the view that any building materials associated with a development needed to be required to be stored on site and also that hours of work needed to be restricted to weekdays only.

The Planning Officer confirmed that standard consultation letters had been issued to the objectors and the applicant giving notice of the application's referral to the Committee. She explained that a condition was proposed to prevent the future use of the garage for residential purposes and she confirmed that the applicant had certified that the application site was within his ownership and the building line was identified on the application drawings. The site was in a sustainable location, that the highway authority had raised no objections and the proposed parking provision complied with the car parking standards for a two bedroom house. She considered the style of the proposed house fitted in well in the area which was an eclectic mix of both big and small dwellings. She also pointed that there were no existing parking restrictions on the streets whilst confirming that construction vehicles would be required to park in Dunthorne Road not Green Lane. She also confirmed that the dwelling was not intended to be an annexe to the host building but was to be for sale on the open market. A boundary would differentiate the land between the two buildings and there would no overlooking concerns as the host building had no rear facing windows on the first floor. She further considered the seven metre height of the proposed dwelling was in accordance with other properties in Green Lane, the closest of which was over 10 metres distant from the application site boundary.

In discussion, members of the Committee expressed concern in relation to the bulk of the proposed house and the cramped nature of the site, whilst acknowledging the likely difficulty of accommodating the larger footprint associated with a bungalow and also voiced their doubts in relation to the size and apportionment of the garden area. Reference was also made to the need for an additional condition to provide for any building material storage to be on the application site, not the neighbouring roads.

As the discussion suggested that the Committee may be minded to refuse the application contrary to the officer's recommendation in the report, in accordance with the Committee's procedures in these circumstances, the Chairman invited the Planning Manager to indicate the significance of the associated risks should the Committee overturn the Officer's recommendation. The Planning Manager confirmed that there was no significant risk should the Committee determine that the application be refused. In response to further suggestions for a single storey dwelling to be considered by the applicant, he indicated that it was likely that this would lead to a sub-standard amenity area due to the increase in footprint size of a bungalow but may achieve a lower ridge height which seemed to be desired, if the Committee members would prefer that to be explored as a potential compromise.

RESOLVED (NINE vote FOR and ONE voted AGAINST) that consideration of the planning application be deferred to enable further discussions to take place with the applicant with a view to the proposed dwelling being amended to a bungalow for further consideration by the Committee.

**468 170170 Land adjacent to Colnehaven, Phillip Road, Wivenhoe, Colchester**

The Committee considered an application for the erection of a three bedroom house at land adjacent to Colnehaven, Phillip Road, Wivenhoe, Colchester. The application had been referred to the Committee as it had been called in by Councillor Scott. 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 proposals upon the locality and the suitability of the proposals for the site.

Eleanor Moss, Planning Officer, presented the report and assisted the Committee in its deliberations.

Daryl Williamson, on behalf of the Queen's Road Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was not opposed to development in principle but was concerned about the combination of flooding in the area together with the drainage system dating back to the Victorian era. He considered the impact of the development on light levels was difficult to assess due to the existing tall trees and he referred to the impact of the anticipated closure of the railway crossing at Paget Road. He referred to the wildlife study being out of date in terms of the sightings of stag beetles and eels in the area and mentioned episodes of flooding water across the road system.

Councillor Scott attended and with the consent of the Chairman addressed the Committee. She considered there was merit both for and against the proposal and was concerned that the applicant had struggled to find an acceptable way forward with the development. She was of the view that it may be possible for further discussions to take

place to explore other options to ameliorate the design of the proposed building, given that the case against the current proposal seemed to be well made. She referred to the overbearing height of the trees on the site and sought ways to secure a reduction in their size. She explained that the applicant had been advised that the Sequential Test wasn't required in this instance and he was of the view that the site did not have a history of flooding. She hoped there may be a way for officers to negotiate further to find a coherent and acceptable solution which would add to the housing stock in the community.

The Planning Officer explained that the report included a bi-section illustration showing what would be acceptable on the site and that several preliminary meetings had taken place with the applicant and the urban designer but the advice provided had not been taken on board by the applicant. She confirmed that the National Planning Policy Framework and the National Planning Policy Guidance required the use of the Sequential Test and that the Environment Agency had identified the area as susceptible to high level flooding. She explained that the applicant had been given the opportunity to submit a revised scheme but this had not come forward and also confirmed that the trees were in the ownership of the applicant and he would require consent to lop or fell the trees as they were located in a Conservation Area.

Members of the Committee expressed their considerable concern about development on the site in terms of the impact on the environment, the history of flooding and the inappropriate design of the proposed building.

RESOLVED (UNANIMOUSLY) that the application be refused for the reasons set out in the report.

**469 163158 5 High Street, Wivenhoe, Colchester**

**Councillor Hazell (by reason of her acquaintance with the applicant) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the change of use of the rear of the ground floor from A3 to C3, retention of A3 use to front of ground floor, alterations comprising new window and roof lights, the removal and repositioning of internal wall partitions and the insertion of a new staircase at 5 High Street, Wivenhoe, Colchester. The application had been referred to the Committee as it had been called in by Councillor Scott. The Committee had before it a report in which all information was set out.

Bruce O'Brien, Planning Officer, presented the report and together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Carol Cottee the Committee pursuant to the provisions of Planning Committee

Procedure Rule 8 in opposition to the application. She explained she was the owner of the application site where she had operated a restaurant business for over five years. She confirmed that the business had not been successful for many years and, due to economic difficulties, she intended to retain the business but on a smaller scale and providing for the partial residential use of the premises. She had formulated a proposal which met the requirements of the highway authority in terms of the provision of a parking space as well as other criteria identified by the planning officer.

Councillor Scott attended and with the consent of the Chairman addressed the Committee. She explained that the proposal was of concern to local residents as it conflicted with the principles set out in the Neighbourhood Plan to resist the change of use of business premises to residential use. She considered that the restaurant which was to be retained would be very small and asked the committee members to bear this in mind in their consideration.

The Planning Officer explained that discussions had taken place with the applicant to maintain the commercial use of the site and he confirmed that the applicant had been willing to take a flexible approach to achieve this outcome. Although the size of the business use which was left was significantly reduced, the proposal did meet all the necessary standards.

The Planning Manager also advised the need for an additional proposed condition to provide for the setting out of the parking space prior to first occupation of the residential premises.

Members of the Committee acknowledged the difficulties experienced by the applicant in trying to keep the business running in the face of difficult economic circumstances and were supportive of the intention to retain the business for the benefit of the community despite it being on a smaller scale.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report together with an additional condition to provide for the setting out of the parking space prior to first occupation of the residential premises.

**470 163159 5 High Street, Wivenhoe, Colchester**

**Councillor Hazell (by reason of her acquaintance with the applicant) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a listed building application for the change of use of the rear of the ground floor from A3 to C3, retention of A3 use to front of ground floor, alterations comprising new window and roof lights, the removal and repositioning of internal wall partitions and the insertion of a new staircase at 5 High Street, Wivenhoe,

Colchester. The application had been referred to the Committee as it had been called in by Councillor Scott. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the listed building application be approved subject to the conditions set out in the report.

**471 170266 7 Endean Court, Wivenhoe, Colchester**

The Committee considered an application for a proposed single storey rear extension to existing dwelling, including part conversion of existing garage at 7 Endean Court, Wivenhoe, Colchester. The application had been referred to the Committee because the applicant was an employee of the Council. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

**472 170480 11 Trinity Street, Colchester**

The Committee considered an application for change of use from A2 to C3, together with slight internal alterations and change to garden wall at 11 Trinity Street, Colchester. The application had been referred to the Committee as it had been called in because the applicant was an employee of the Council. The Committee had before it a report and Amendment Sheet in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and the Amendment Sheet.

**473 170481 11 Trinity Street, Colchester**

The Committee considered a listed building application for change of use from A2 to C3, together with slight internal alterations and change to garden wall at 11 Trinity Street, Colchester. The application had been referred to the Committee as it had been called in because the applicant was an employee of the Council. The Committee had before it a report and Amendment Sheet in which all information was set out.

RESOLVED (UNANIMOUSLY) that the listed building application be approved subject to the conditions set out in the report and the Amendment Sheet.

**474 170154 55 Keelers Way, Great Horkesley, Colchester**

The Committee considered an application for retrospective permission to replace an

existing conservatory with a rear single storey extension and side single storey extension (at the back of the garage) at 55 Keelers Way, Great Horkesley, Colchester. The application had been referred to the Committee because the applicant was an employee of the Council. 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 proposals upon the locality and the suitability of the proposals for the site.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

**475 171037 20 Ripple Way, Colchester**

The Committee considered an application for the extension and conversion of a garage into an annexe at 20 Ripple Way, Colchester. The application had been referred to the Committee because the applicant was an employee of the Council. The Committee had before it a report and Amendment Sheet in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

**476 Land north of Factory Hill, Tiptree – Section 106 Agreement**

**Councillor Loveland (by reason of his membership of Tiptree Parish Council) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a report by the Head of Professional Services concerning a request for a new Section 106 Agreement in relation to planning permission number 130245 for 126 dwellings on land to the north of Factory Hill, Tiptree to reflect the changed circumstances which had come about as a result of Wilkin and Sons' decision to rebuild and refurbish its existing factory rather than to build a new jam factory to the south of the existing factory. The proposal for 126 dwellings on the northern housing land would remain unchanged however there would be no new house building on the existing factory site and the legal agreement needed to be updated to reflect this change. Further comments from Tiptree Parish Council were set out in the Amendment Sheet.

Steve Bays, on behalf of Tiptree Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He confirmed the Parish Council's support for Wilkin and Sons but explained the Parish Council's view that greater contributions within the Section 106 Agreement should now be sought given proceeds from the development would no longer be used to fund a new factory. He also sought assurances regarding the future intended sale of a parcel of land

to the Parish Council as well as the allocation within Tiptree of the affordable housing contribution from the development.

Chris Newenham addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He was the joint Managing Director of Wilkin and Sons who had been working over the last seven years to secure the future of the business in Tiptree. He explained that the focus had more recently been to refurbish the existing factory whilst retaining the company's wholehearted support to deliver the contents of the Section 106 agreement. He confirmed that everything had been done to provide the Parish Council with the assurances it sought. The company was supportive of the development of a health centre on the site, was willing to bring the land forward for this purpose and had provided the Council with a letter to confirm this.

The Principal Planning Officer advised that nothing further could be negotiated in relation to the Section 106 Agreement as there were no mechanisms available to require any additional contributions. He explained that it was not possible to allocate the affordable housing element specifically within Tiptree and he advised that the identification of a health centre in the Parish Council's approved Neighbourhood Plan would ensure that a strong material condition would exist to ensure it would be forthcoming in the future.

Members of the Committee were very supportive of the proposals and acknowledged the need for the development to be progressed in a timely manner.

RESOLVED (UNANIMOUSLY) that the creation of a new Section 106 Agreement, as proposed within the report, be approved.

#### **477 Planning Performance Report - End of Year 2016-17**

The Committee considered a report by the Head of Professional Services giving details of the Planning Services' performance against various measures and Key Performance Indicators for the period 1 April 2016 to 31 March 2017 with comparative figures for previous periods in order to give some context to the performance achieved.

Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations. He drew attention to the continuous upward trajectory of most performance indicators but highlighted an exception in relation to appeal decisions awarded against the council which had followed a trend experienced nationally. However, costs were not regularly awarded against the Council which confirmed that it was considered to be acting reasonably.

Members of the Committee welcomed the information provided in the report and congratulated the Planning Officers on the performance achieved.

RESOLVED (UNANIMOUSLY) that the performance of the Planning Service for the

2016/17 year be noted and the congratulations of the Committee be conveyed to the staff in the planning service.