

Planning Committee

Thursday, 27 July 2017

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

Substitutes: Councillor Nick Cope (for Councillor Theresa Higgins)

Also Present:

491 Site Visits

Councillors Barton, Chuah, Cope, Hazell, Jarvis, Liddy, Loveland and J. Maclean attended the site visits.

492 Minutes of 6 July 2017

The minutes of the meeting held on 6 July 2017 were confirmed as a correct record.

493 162925 57 Dunthorne Road, Colchester

The Committee considered an application for a proposed dwelling at 57 Dunthorne Road, Colchester. The application previously been considered by the Committee and that consideration had been deferred to enable further discussions to take place with a view to the proposed dwelling being amended to a bungalow. 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. It was explained that, if the application was approved, it would be necessary to amend Conditions 4 and 5 to provide for the removal of Permitted Development rights for windows to the dwellings.

Derek Gearing, on behalf of the residents of Green Lane, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was of the view that the application did not meet the requirements asked for by the Committee when it previously considered the application. He acknowledged the proposed roof pitch had been lowered but it was still a two storey dwelling situated forward of the building line and at the narrowest part of Green Lane. He considered the

area contained predominantly single storey dwellings which meant the proposal was out of keeping with the neighbourhood. He welcomed the proposed condition in relation to parking provision but was concerned about potential non-compliance, particularly given access requirements for emergency vehicles and the popularity of the Lane with pedestrians notwithstanding the lack of footway. He was of the view that the potential negative impact on the neighbourhood should not be encouraged. He also explained his concerns regarding the impact of the construction works and the potential for subsidence in the area. He considered the application would inconvenience the majority of the existing residents who were not being listened to.

John Spencer addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposed ridge height of the dwelling had been lowered in accordance with the aspirations of the Committee members when the application was considered previously. He observed that the proposal was now of a lower height than the chalet opposite, accordingly, he asked the Committee members to approve the application.

Councillor Smith attended and with the consent of the Chairman addressed the Committee. He was of the view that the Committee members had sought further negotiations with the applicant to secure a bungalow on the site, not a two storey property. He considered that a bungalow would be more suitable in the neighbourhood and he also referred to the application for a bungalow on the site, submitted in 2002 and refused at an Appeal. He asked the Committee members to remain true to their previous aspiration to achieve a bungalow on the site.

The Planning Officer explained that there was a number of two storey properties in the Green Lane area, which had an eclectic mix of properties. There were also examples of different sized gardens and the proposed amenity space in the current application was in accordance with the approved standards. She further explained the Highway Authority had not objected to the proposals and the proposed parking provision complied with the approved parking standards. In addition, hours of construction work would be controlled by means of a proposed condition should approval be granted. She confirmed that in negotiation with the applicant, planning officers had tried to accommodate a bungalow on the site but it had not been possible to do so without impacting on the amount of amenity space such that this element would not meet the approved standards. She finally confirmed that the amended application, as now submitted, fully complied with all necessary standards.

Some Committee members considered there were no material grounds on which to refuse the application. Other Committee members, whilst acknowledging the application's compliance with approved standards, were concerned at the sub-division of the application site and were disappointed that it had not been possible, through further negotiation, to achieve a compliant application based around a bungalow. There was concern that the proposal was not in-keeping with the neighbourhood.

The Planning Officer further explained that since the previous application had been refused at Appeal significant policy changes had taken place which meant that this decision could not be considered as a material consideration in relation to the current application. These policy changes were in relation to the introduction of the National Planning Policy Framework in 2012, which provided for a presumption in favour of sustainable development, and a revised policy which reduced amenity space standards. She further explained that the application the subject of the Appeal had been refused on the grounds of a lack of division between the proposed dwellings, which the current application had adequately addressed.

As the discussion suggested that the Committee may be minded to refuse the application contrary to the officer's recommendation in the report on grounds of over-development and not in-keeping with the neighbourhood, 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 explained the difficulty of refusing on grounds of being over development and not in-keeping as the application accorded with amenity space standards and he had identified at least four chalet type and other two storey dwellings in Green Lane whilst attending the site visit. He also reminded the Committee members that they had been advised during their previous consideration that a bungalow was likely to lead to a sub-standard amenity area due to the increase in footprint size required for a bungalow but that negotiation may be able to achieve a lower ridge height for the proposed dwelling. The Planning Manager added that it may be possible for officers to consider the unsuitability of the site development as potential grounds for refusal if the Committee was so minded as, with the constraints and issues under debate, this would effectively be what was suggested if the application was refused.

A proposal, which was seconded, to refuse the application was lost (FOUR vote FOR, FOUR voted AGAINST and TWO ABSTAINED and the Chairman having used his casting vote AGAINST).

RESOLVED (FOUR vote FOR, THREE voted AGAINST and THREE ABSTAINED) that the application be approved subject to the conditions set out in the report and the amendment of Conditions 4 and 5 to provide for the removal of Permitted Development rights for windows to the dwellings.

494 162526 St Mary's Church, High Street, Wivenhoe, Colchester

The Committee considered an application for the demolition of the existing south porch and erection of a new extension for meeting room and ancillary facilities at St Mary's Church, High Street, Wivenhoe, Colchester. The application had been referred to the Committee because it had been called in by Councillor Scott. The Committee had before

it a report and amendment sheet 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.

495 171456 208 Harwich Road, Colchester

The Committee considered a retrospective application for a replacement garden wall at 208 Harwich Road, Colchester. The application had been referred to the Committee because 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.

Mark Russell, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Daniel Coe addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had been born and spent the majority of his life in Ipswich, however, he had decided to set up home in Colchester as he liked the town so much. With the help of family and friends he had worked to improve his property from one which had been in an uninhabitable condition. His father was a builder and he had helped with the boundary work and driveway and, as there had been gates previously at the property, they had made the presumption that they could replace like with like. He acknowledged he did not live in the best area of the town but he wanted to improve the house which he shared with his partner. They had put all their savings into the property and confirmed they still intended to apply to move the dropped kerb to align with the current entrance to the drive

Councillor Smith attended and with the consent of the Chairman addressed the Committee. He considered the property had been considerably improved by the new owner and he was sorry that the officer's recommendation to refuse the application may be considered to be penalising them. He considered there were similar height walls in the locality of the property and noted that the house was set back considerably from the wall. He confirmed that he was aware of gates being in place at the property previously and considered they could be accommodated again, so long as any advice from the Highway Authority was followed. He struggled to see why the application could not be approved given the only representations submitted had been in support of the application.

The Principal Planning Officer confirmed the existence of gates at the property previously and sincerely refuted the suggestion that the applicant was being penalised.

He confirmed that the addition of gates to the property would require a separate planning application to be submitted, if they were greater than one metre in height.

In discussion, members of the Committee generally welcomed the proposal on the basis that the works were of high standard, an enhancement for the area generally and no objections had been received from neighbours. It was acknowledged that the dropped kerb would need to be realigned to correspond with the current driveway and that any subsequent installation of gates to the property would need to comply with any requirements sought by the Highway Authority.

RESOLVED (UNANIMOUSLY) that the application be approved subject to appropriately worded conditions to provide for no loose materials, the dropped kerb to the footway to be realigned and for the permission not to include the installation of gates.

496 171687 Colchester Business Centre, 1 George Williams Way, Colchester

Councillor Liddy (by reason of his directorship of the Colchester Borough Homes) 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 to raise the height of the existing masonry parapet and gable walls to roofs including replacing stone copings and flashings, installing a stone cill below bullseye louvre vents (5no) and canopy over the entrance door at Colchester Business Centre, 1 George Williams Way, Colchester. The application had been referred to the Committee because Colchester Borough Council was the applicant. 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.

497 Appeal Decisions

The Committee considered a report by the Assistant Director Policy and Corporate giving details of three Appeal decisions which had been received in the last month for applications in the Borough or in neighbouring Local Authority areas, the intention being to enable the Committee members to remain up to date with outcomes, trends and changes so they could further understand how Inspectors were presiding over decisions.

Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations. Members of the Committee welcomed the information provided in the report.

RESOLVED that the contents of the report be noted.