

Planning Committee

Thursday, 28 November 2019

Attendees: Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Martyn Warnes
Substitutes: Councillor Helen Chuah (for Councillor Andrea Luxford Vaughan)
Also Present:

758 Site Visits

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

759 Planning Committee minutes 31 October 2019

The minutes of the meeting held on 31 October 2019 were confirmed as a correct record.

760 192337 Lexden Manor, 8 Colvin Close, Colchester

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

The Committee considered a planning application for the conversion of the existing building to five apartments and new extension to provide four new build 2 bedroom apartments at Lexden Manor, 8 Colvin Close, Colchester. The application had been referred to the Committee because the application had been called in by Councillor Lissimore.

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.

Annabel Cooper, Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations. Two further letters of objection had been received since the report had been published. The first letter queried measurements cited in the Committee report and the Planning Officer confirmed these

had been checked and were correct. The second letter raised issues and requested amendments to conditions regarding traffic management issues during the construction phase, vehicle parking, access for service vehicles, requests for a Section 106 Agreement, archaeology, resident consultation during the construction phase, a reduction to the proposed hours of working and ecological surveys. It was explained that the proposed conditions relating to archaeology and hours of working had been recommended by the Council's Archaeology Adviser and Environmental Protection Officer respectively, consultation during the consultation phase was not recommended. This application was not classed as a major application and, as such, there was no requirement for Section 106 planning obligations to be sought.

Marcus Gilsom addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was concerned that the proposed development was out of character for the area, being of a large-scale, a lack of flats in the area and would have an adverse effect on the quality of lives of residents in the area. He considered Colvin Close to be narrow and was of the view that the proposed development would lead to an increase in traffic, on-street parking and problems for access by refuse and emergency vehicles. He also considered there would be a negative impact on air pollution and that the proposal was disproportionate to the quality of life for existing residents. He also referred to the objections submitted to the application from residents who did not wish the application to be approved.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposal involved a property which itself was out of character with the pattern of development around it, being a large house in substantial grounds and well screened from neighbours. He explained that the building was not listed or located in a Conservation Area. The proposed development represented an efficient use of space in a sustainable location, in an existing residential area. He referred to objections regarding overlooking, highway safety, over-development, character and appearance, impact on trees and the type of accommodation in response to which amendments had been made to the proposal to ensure that no adverse issues would materialise. He referred to a lack of objections from landscape, tree and highways officers. He also confirmed that the parking provision, amenity and design issues either met or exceeded the required standards and there were no issues of over-looking. As such, there could be no issues relating to over-development or on-street parking in Colvin Close. He explained that the proposals complied with all relevant national and local policies, represented sustainable development and, as such, the Committee's approval of the application was sought.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. She explained the problems which had been experienced over a number of years by residents of Lexden Grove and Colvin Close in relation to parking issues and the abandonment of vehicles for long periods of time. There had also been access problems for emergency and refuse vehicles due to instances of double parking. She

was very concerned about vehicle movements and was of the view that any development would increase traffic and that the increase from the proposed development would be to an unacceptable level. She explained that the proposed parking provision had been located to the boundaries of the plot which would be detrimental to residents of Marlowe Way and Lexden Grove. She referred to the clearance of trees and shrubs which had opened up the site and would cause noise, air pollution and disturbance for existing residents. She raised concerns regarding over-development, density, bulk and scale and referred to a lack of flats in the area, with properties predominantly being three to five-bedroom family homes. She considered flats to be small, dense and out of context with the area. She referred to previous applications which had been withdrawn and the large nature of the proposed extension. She asked, in the event that the application was approved, that a number of additional conditions, the details of which had recently been sent to the planning officer and which had been referred to at the beginning of the meeting, be considered by the Committee members. These related to vehicles, construction and delivery vehicle movements, measures to ensure vehicles would not park on verges, a £10,000 Section 106 contribution to the North Essex Parking Partnership to address existing parking problems, the completion of a full archaeological assessment, replacement of trees and their maintenance, bird and bee surveys, removal of mud from Colvin Close and Lexden Grove and working hours as stated. She asked that the Committee members refuse the application on grounds of over-development, adequacy of parking and deliveries, traffic generation, noise and disturbance, layout and density.

The Planning Officer explained that previous applications had been withdrawn as they had been likely to be refused on design and parking grounds and in order to submit an alternative proposal. She confirmed that parking and traffic had been carefully considered and, whilst existing reports of parking problems were acknowledged, no objection had been received from the Highway Authority. The proposed parking provision exceeded the relevant policy standard, as such parking along Colvin Close was considered unlikely. She explained that the proposals could not be considered to be over-development due to the generous proposed parking and amenity provision. She acknowledged concerns in relation to increased air pollution and explained that the proposals included the provision of an electric vehicle charging points whilst the site was in close proximity to bus routes along Lexden Road. She explained that many of the requests made by the residents, including parking, delivery hours, unloading and loading of materials, plant storage, would be covered in the proposed Construction Method Statement. She also explained that the application was not classified as a major application and, as such, a Section 106 Agreement was not a requirement of the development.

Some members of the Committee referred to the grand nature of the property and the grounds, considering it to be a local asset and, as such, the proposed development was not considered to be in-keeping with the local area. Previous applications were referred to along with concerns regarding over-development. It was considered that the character

and local environment needed to be taken into account. Concern was expressed about the dominating location of the parking spaces to the front of the site; the extent of parking provision given the site's highly sustainable location; over-development, the size of the proposed units and whether they would be affordable for those wishing to live in the area. Reference was also made to the narrow dimension of Colvin Close at its junction with Lexden Grove and existing problems of on-street parking in the context of additional traffic generated by the proposal.

The Planning Officer explained that property was very well screened and the proposed extension would not be visible from Colvin Close, as such, impact could not be considered significant. She did not consider the proposals would constitute over-development whilst the proposed parking provision was considered acceptable given the sustainable location of the site together with the requirement for an electric vehicle charging point. She explained that the Council's Development Plan included a requirement to meet the Council's housing supply requirements and the conversion of a large dwelling into flats was a recognised method of meeting the requirement for smaller homes. She further confirmed that the proposal was not a major application meaning there was no provision for a Section 106 Agreement and, as such, it was not possible to seek an Affordable Housing contribution from the development.

Other members of the Committee considered the proposal to be an efficient use of the building and the land, given the Council's need for housing land. Reference was also made to the highly accessible location, the site's location within the settlement boundary and the close proximity of access to multiple bus routes whilst concerns relating to highway and access issues, trees, archaeology and construction phase had been satisfactorily addressed. In addition, comment was made about the frontage of the existing building being retained and the highly generous proposed parking provision.

A proposal was made to refuse the application contrary to the officer recommendation and duly seconded. On being put to the vote, the Development Manager having indicated there would be no specific risk to the Council, the proposal to refuse was lost (TWO voted FOR, SIX voted AGAINST and ONE ABSTAINED).

Clarification was sought regarding the proposed conditions referred to by Councillor Lissimore on behalf of the local residents and the Planning Officer confirmed the conditions set out in the report would adequately address the matters referred to on behalf of residents.

RESOLVED (SEVEN voted FOR and TWO voted AGAINST) that the application be approved subject to the conditions set out in the report.

761 192562 Land adjacent to Mill Road Surgery, 47 Mill Road, Colchester

Councillor Chuah (by reason of her Governorship of Colchester Hospital

University NHS Foundation Trust) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a planning application to permit temporary staff car parking until 1 January 2020 with no addition to the existing 70 parking spaces permitted for contractors for the hospital at land adjacent to Mill Road Surgery, 47 Mill Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Goss

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.

Nadine Calder, Senior Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Ken Stokes addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he lived next door to the application site. He was concerned about that the Hospital Management had disregarded the planning application process in relation to compliance with planning conditions. He referred to disputes since the first use of the land by the Hospital relating to the location and planting of boundary treatment and ongoing enforcement action. He considered parking was not complying with permitted hours or days of use and cited problems of noise, overnight use and late departures. He was concerned that the need for parking space would not be reduced from 1 January 2020 and considered there was a lack of control over types of users. He asked the Committee to refuse the application.

One member of the Committee voiced their concern in relation to boundary treatment disputes and considered, for the protection of residents, that evergreen fencing should be required and for a condition to be imposed to provide for forward-facing parking towards the fence line in order to avoid the impact of harmful emissions on local residents.

The Senior Planning Officer confirmed that enforcement action would be taken if conditions relating to boundary treatment were not complied with and that further enforcement action would be taken if breaches of condition were made in relation to hours of use. She further explained that the enforcement action related to breaches of conditions associated with a previous application and therefore was not within the remit of the current application. She did not consider a condition to require forward facing parking could be considered valid as it would not be possible to enforce it.

The Development Manager acknowledged the concerns expressed in relation to harmful

emissions but confirmed that such a condition would fail one of the tests of a planning condition, in that it would be unenforceable. He also confirmed that the scope of the current application was very specific, solely relating to who could use the car park for a limited period of time. He further confirmed that concerns expressed about breaches of condition regarding boundary treatment were captured within an ongoing enforcement notice.

Another member of the Committee sympathised with concerns about breaches of conditions but acknowledged that the application was for a short-term period only. Reference was made to the requirement of the Crime and Disorder Act for responses to instances of anti-social behaviour to be proportionate and, as such, clarification was sought regarding the duration of the reports of breaches of condition and the reason why the current application was being considered when only one month of the time period requested now remained.

The Senior Planning Officer acknowledged that the retrospective nature of the application was unfortunate but she confirmed such applications were catered for within the planning system. She also explained that the application was to permit the use of the car park by staff as well as already permitted contractors whilst it would not change the number of vehicles permitted to park nor the hours of use. She confirmed that the enforcement officer had not yet served an enforcement notice as the outcome of the current application had been awaited. She also confirmed that, where relevant, evaluations of the proportionate nature of responses to anti-social behaviour would be included in the case officer's report.

RESOLVED (EIGHT voted FOR and ONE voted AGAINST) that the application be approved subject to the conditions set out in the report.

762 191984 89 Chapel Road, West Bergholt, Colchester

The Committee considered a planning application for a new dwelling with associated parking and amenity following demolition of the existing dwelling and outbuildings at 89 Chapel Road, West Bergholt, Colchester. The application had been referred to the Committee because it had been called in by Councillor Barber.

The Committee had before it a report in which all information was set out.

Chris Harden, Senior Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Bill Pigeon addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the Village Design Statement and the Council's recent adoption of the West Bergholt Neighbourhood Plan. He explained that the application was within the designated Character Area and referred

to the street view of Chapel Road; the proposals not being in harmony; having an unacceptable impact on the neighbouring property; access provision onto a narrow, private un-adopted lane; inadequate parking space; problems associated with additional vehicles; scale, mass, height and form; respect of existing building lines and height of adjacent buildings; retention of existing roof height and pitch and respect of adjacent scale and design of buildings. He also referred to a covenant in relation to parking provision; the refusal of a previous application due to concerns about height and massing; the loss of three bungalows in close proximity to the current site and the need for new bungalows in the village.

Councillor Barber attended and, with the consent of the Chairman, addressed the Committee. He referred to the Neighbourhood Plan and the small number of references to the Plan and its policies in the report to the Committee, as such, he considered the application should be refused on this ground alone. He also referred to various detailed policies in the Neighbourhood Plan, including the Character Area in West Bergholt; high quality design; the Village Design Statement and objections raised by the Parish Council.

The Senior Planning Officer explained that the Neighbourhood Plan had been referred to in the report to the Committee and that the document was a public document and available to view online. He had given the Neighbourhood Plan careful consideration and he was of the view that there was no policy contained in it which was contravened by the application. He explained that the proposal was for a traditional, vernacular scaled dwelling, with steeply pitched roof, traditional shaped dormers and simple fenestration and he commented that the street scene was very varied, with dwellings of various storeys. As such, he considered the proposal was very in-keeping with the character of the street scene and did not contravene any of the policies contained in the Neighbourhood Plan or any other policies quoted, including building line; density and scale.

One member of the Committee sought clarification on the status of Spring Lane, the need to take note of the contents of the Neighbourhood Plan, as well as the number of individual objections to the application. Reference was made to residents' view that the proposal was over-development and over-bearing in a semi-rural area.

The Senior Planning Officer explained that there was contention regarding the applicant's right to park vehicles in Spring Lane and that, if this was the case, the applicant would be unable to implement the planning permission, should it be approved. He re-affirmed that the Neighbourhood Plan contained many of the similar policies to the Council's Development Plan and that, in his view, these policies had all been met.

The Development Manager confirmed that full weight must be given to the West Bergholt Neighbourhood Plan. However, he explained that all policies were open to interpretation as to whether the proposal was in harmony with the street scene. He also

confirmed that the Neighbourhood Plan did not contain a specific policy that no bungalows within the settlement would be lost to two storey dwellings. He reiterated that there were a variety of scales and forms in the street and that the proposal was a modest one for a single storey dwelling with accommodation in the attic space. He also commented that immediately adjoining the plot were dwellings with very similar scale to that contained in the proposal before the Committee. He did not consider the proposal would over-power the neighbouring property, which was already bounded by properties of a similar scale to that proposed. The case officer had also confirmed that he had given full regard to the Neighbourhood Plan policies. He also confirmed that the proposal included a one for one replacement of parking provision and, as such the parking provision would not change and, as such, he was of the view that disputes over access were irrelevant.

Another member of the Committee sought clarification as to whether the Neighbourhood Plan policies had to be adhered to in their entirety or whether there was discretion in interpretation was provided for as a consequence of the Council's Development Plan.

The Development Manager referred to the provisions within the Neighbourhood Plan referring to the promotion or reinforcement of local distinctiveness contained within the Village Design Statement and explained that the Committee members therefore needed to make a judgement about the architectural character of the existing street. He considered there were multiple examples of dwellings in the vicinity of the development site having first floor accommodation served by dormer windows and, as such, it could be argued that the proposal would be reinforcing local distinctiveness. He was also of the view that the proposal would have no landscape impact, no impact on views across the village, and that there were many examples of dwellings of similar scale. He acknowledged that the proposal was different to the existing dwelling but the Neighbourhood Plan did not require a conformity with an existing dwelling, rather that the context of the development within the wider street scene and whether the proposal would respect the character of its surroundings needed to be considered. He was of the view that the proposal respected the scale and form of existing development in the immediate vicinity of the site. In terms of the impact on the street scene, he considered that plans were available which illustrated the levels and that the report had included an analysis of the impact, including photographs taken from the neighbouring property. He did not consider the policies within the Neighbourhood Plan had been ignored but explained that it was for the Committee members to interpret the contextual policy criterion, having regard to the immediate vicinity within the wider street as well as analysing the existing character of development.

Other members of the Committee were generally of the view that the proposal did not contravene the Neighbourhood Plan, was not incongruous with the street scene and would therefore cause no material harm whilst the proposed parking provision, although in dispute, was intended to utilise an established access and would be beneficial to the applicant as well as existing residents.

A proposal had been made to refuse the application contrary to the officer recommendation and duly seconded. On being put to the vote the proposal was lost (THREE voted FOR, FIVE voted AGAINST and ONE ABSTAINED).

RESOLVED (FIVE voted FOR, THREE voted AGAINST and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report.

763 192560 65a John Kent Avenue, Colchester

Councillor Barton (by reason of her having expressed a prejudicial view on the application) declared an interest in the following item pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination.

Councillor Hazell (by reason of her having expressed a prejudicial view on the application) declared an interest in the following item pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination.

The Committee considered a planning application to vary condition 1 of planning permission 190212, to permit the relocation of a parking space to the improve visibility splay (parking for dwelling approved under application No. 170475) at 65a John Kent Avenue, Colchester. The application had been referred to the Committee because it had been called in by Councillor Hazell.

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 and the amendment sheet.