

# Planning Committee

Thursday, 16 July 2015

<b>Attendees:</b>	Councillor Peter Chillingworth (Group Spokesperson), Councillor Jackie Maclean (Member), Councillor Helen Chuah (Member), Councillor Laura Sykes (Group Spokesperson), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jessica Scott-Boutell (Deputy Chairman), Councillor Patricia Moore (Member), Councillor Rosalind Scott (Group Spokesperson), Councillor Jo Hayes (Member)
<b>Substitutes:</b>	Councillor Roger Buston (for Councillor Pauline Hazell), Councillor Barrie Cook (for Councillor Jon Manning)

## 180 Site Visits

The following members attended the formal site visit: Councillors Buston, Chillingworth, Chuah, Cook, Hayes, Jarvis, Maclean, Moore, Scott and Sykes.

## 181 150492 Cannock Mill, Old Heath Road, Colchester

The Committee considered an application for a co-housing residential development of 23 one, two and three bedroom homes and a listed building as a co-housing common house with associated outdoor and parking spaces at Cannock Mill, Old Heath Road, Colchester. The application had been referred to the Committee because it was classed as a Major application and had attracted objections and a legal agreement was also required. The Committee had before it a report and amendment sheet in which all the 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.

At the start of the meeting a petition was presented to the Chairman by Tim Fergus containing around 70 signatures, stating:

“We, the undersigned, are concerned about the plans of LOCO to use the nursery access and car park for development traffic. As parents and carers we feel any increase in traffic would be a danger to our children and should be opposed by planning. We feel that it would be far more sensible if an alternative access route was used by the development away from the nursery. We urge the planners to be mindful of our concerns and act accordingly to reject applications 150492 and 150493 in their current form.”

Sue Jackson, Principal Planning Officer, presented the report and, together with Simon Cairns, the Planning Project Manager, assisted the Committee in its deliberations. She

explained that the viability of the proposal had not yet been agreed and the District Valuer had been appointed to analyse the assessment. His initial findings indicated that the scheme would be viable with a small element of contribution for offsite affordable housing, but there had been no agreement on viability to date. The recommendation contained in the original report had therefore been amended to reflect the outstanding viability issue.

Tim Fergus addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was speaking on behalf of the Children's Nursery adjacent to the application site which had co-existed with Cannock Mill over a number of years. Traffic onto the site was low in volume and speeds were very low. He was concerned about the proposed access route for the proposal, together with the proposed widening of the entrance which he did not consider appropriate given the ownership of the entrance was disputed and the likely danger as a result of increased traffic caused to parents and children arriving and leaving the nursery. He explained that the manoeuvring in the car park was restricted and the proposal for it to be used to create an access route for the proposed development was not considered reasonable or safe for young children.

Anne Thorne addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that the applicants did hold a right of access to the rear of the site but there was no intention to use the car park to gain access to the rear of the mill. The scheme was not a typical one, it being a self-build development with dwellings of passivhaus standard. The site had been selected due to its close proximity to bus routes with good access to Colchester town centre which was an aspiration for a number of the prospective residents. In addition three existing Colchester based households had indicated expressions of interest to join the scheme. The applicants wished to express their regard for the nursery and the other neighbours, the intention being to create a desirable place to live for all concerned. The applicants were very excited about the proposal and had conducted consultation meetings at the site in order to interest others in its merits. She believed the proposals would be a positive contribution and an enhancement to the area.

Councillor Havis attended and, with the consent of the Chairman, addressed the Committee. She explained that she was not attending the meeting at the applicant's request but she wished to express her support for the way the message about the development had been communicated within the community. She supported the use of public transport and the proposals for a pool of vehicles for the residents to share in order to reduce the need for individual car ownership and she also welcomed the passivhaus standard accommodation being proposed. She concluded by welcoming the proposal, if approved, within the ward and considered it would be seen as a model throughout the County.

The Principal Planning Officer explained that the proposal to utilise the car park to gain access to the rear of the site was an option merely to illustrate the potential to provide

future additional parking spaces which would, in any event, be subject to a separate application. She also confirmed there was no intention to restrict access across the car park to the nursery and that the proposal to widen the entrance to enable two-way entry and exit to the site had been accepted by the Highway Authority on the basis this would be an improvement to the existing access arrangements.

The Planning Project Manager also confirmed the views expressed by the Highway Authority and the potential for the access proposals to bring about a safer access arrangement to the site.

Members of the Committee welcomed the sustainable nature of the proposal, particularly in terms of the emphasis on different modes of transport and the imaginative use of green roof elements although some members were of the view that the proposed colour palette for the housing was not in keeping with the location and the setting of the mill and stated a preference for more muted colours. Members also sought reassurance regarding the delivery of offsite affordable housing contributions from the development.

In response to specific issues raised the Planning Officer confirmed that the existing condition relating to colour could be revised if considered necessary and, whilst she did not consider it necessary to remove permitted development rights on the grounds that additional development would not create a significant impact on neighbouring properties, she did confirm that one of the proposed conditions provided for the garages not to be used as living accommodation. She went on to acknowledge that a standard condition providing for archaeological investigations would also need to be added to any planning approval and she confirmed that the scheme satisfied the requirements of the Essex Design Guide in terms of contemporary design in certain circumstances. The Principal Planning Officer also suggested that arrangements could be made for a performance type report to be submitted to a future meeting giving details of the location of affordable housing developments and numbers of units delivered.

*RESOLVED* (ELEVEN voted FOR and ONE AGAINST) that the determination of the planning application be deferred and authority to determine be delegated to the Head of Commercial Services subject to the addition of archaeology condition (ZNL) as well as the outcome of the viability assessment and the satisfactory agreement of the apportionment of any available funds to offsite Affordable Housing.

**182     151012 CBC Car Park West, Priory Street, Colchester**

**Councillor Scott-Boutell, on behalf of the members of the Liberal Democrats Group, (in respect of their acquaintance with the applicant) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**Councillor Hayes (by reason of her membership of the Friends of Colchester Roman Wall) declared a non-pecuniary interest pursuant to the provisions of**

### **Meetings General Procedure Rule 7(5).**

The Committee considered an application for an interpretation panel containing general historical information and logos including friends of Colchester Roman Wall at Colchester Borough Council Car Park West, Priory Street, Colchester. The application had been referred to the Committee because the agent was Colchester and Ipswich Museum Service. The Committee had before it a report and amendment sheet in which all the information was set out.

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

### **183 150754 58 Parkwood Avenue, Wivenhoe**

**Councillor Scott (by reason of the potential for her view on the application being considered to be pre-determined) declared an other interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination after she had made representations as a visiting councillor. She had also withdrawn from participation in the visit to the location undertaken by the Committee members.**

The Committee considered an application for the demolition of an existing house and construction of a new five bedroom house with detached garage at 58 Parkwood Avenue, Wivenhoe, Colchester. The application had been referred to the Committee because Councillor Scott had requested that the application be determined by the Committee. The Committee had before it a report and amendment sheet in which all the 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.

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

Jonathan Raynes addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was the owner of the property to the rear of the application site and was speaking also on behalf of the owner of Elizabeth cottage. He acknowledged the pleasing design of the proposed property but its scale and size led him to the view that it was in the wrong location. He considered the neighbouring bungalow would be dwarfed and overwhelmed by the proposed property. He was also of the view that the position of the property on the plot was inappropriate and that it needed to be nearer the rear of the site. He was concerned about visual intrusion for neighbouring properties as well as mains drainage capacity, flooding risk, the presence of asbestos in the property to be demolished and the potential harm from increased traffic.

Craig Revell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he was not

a property developer but that the proposal was in order to create a family home. He had endeavoured to be sympathetic towards the neighbouring properties and, as a consequence this proposal was the third revision of the design to address concerns addressed by neighbours. The roof line had been lowered and the overall appearance of the property had been softened. The garage had been changed to a single storey and the house itself was positioned over 40 feet from Elizabeth cottage. He confirmed that no asbestos had been removed from the existing building.

Councillor Scott attended and, with the consent of the Chairman, addressed the Committee. She was concerned about the impact of the building on the property at 56 Parkwood Avenue and explained that she remained concerned about the proposed positioning of the property on the site as, in her view, it had only been subject to very minor revision. In the event of the proposal obtaining permission, she requested that the façade to the building adjacent to No 56 be repositioned so that it was aligned with the front of No 56. She considered the proposed building to be exceptionally large which would have a significant overbearing effect on the neighbouring properties and she had no doubt that there would be over shadowing implications.

The Planning Officer explained that repositioning of the proposed dwelling further to the rear of the site would make little difference given it was already positioned 12 metres from Elizabeth Cottage. She also confirmed that it was not unusual for there to be a mix of old and new styles of houses in the location and any repositioning of the garage would create difficulties in respect of the proposed vehicular turning circle.

Members of the Committee were of the view that there would be no overbearing issues for neighbouring properties, there would be no harm to amenity and, as such, there were no material grounds to refuse the application.

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

#### **184     151009 6 Barn Fields, Stanway**

**Councillor Scott-Boutell (by reason of the potential for her view on the application being considered to be pre-determined) declared an other interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination after she had made representations as a visiting councillor.**

**Councillor Chuah here took the Chair.**

The Committee considered an application for the conversion of loft space and creation of a dormer window at 6 Barn Fields, Stanway, Colchester. The application had been referred to the Committee at the request of Councillor Scott-Boutell. The Committee had before it a report in which all the information was set out.

Richard Collins, Planning Officer, presented the report and assisted the Committee in its deliberations.

Oliver Howe addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was the owner of 7 Barn Fields and he was objecting in relation to the positioning of the proposed side window of the application. He was aware that the window was proposed to be clear with an opening mechanism and, given the pitch and angle of the roof, he was concerned about the potential for a direct line of vision to be made into one of the bedroom windows at his own property. He considered he had raised this issue on a number of occasions but the impact on his property was being ignored. He was also of the view that the original concept for the development of houses in the street was that they would be least intrusive to each other and that this concept would be undermined by the proposal. He was also concerned about the impact of construction work on the small development of houses and sought assurances regarding possible traffic problems.

Jason Hall addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he and his family had lived at the property for 12 years and he wished to extend the home by means of a loft extension in order to accommodate his growing family. He had noted that similar extensions with dormer windows and roof lights had been approved in properties nearby. The original plans had been amended by a reduction in the number and size of roof lights to help protect the privacy of No 7 and he was of the view that the amended proposal had overcome any potential for a sight line to the neighbouring bedroom window and, as such, satisfactorily addressed the concerns of overlooking. He also confirmed that his intention was to employ a firm of contractors who would not require the use of an onsite skip.

Councillor Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She acknowledged that the applicant had made compromises in order to address the concerns of his neighbour but she remained concerned about the potential for overlooking. She was of the view that it would be possible to look into the neighbouring bedroom window from the proposed rooflight and she therefore requested that the application be conditioned to provide for obscure glazing and a non-opening window. She acknowledged the reasoning behind the application for the family but she asked the Committee to give the application thorough consideration, bearing in mind her concerns.

Members of the Committee were supportive of the application generally but acknowledged the benefit of providing obscured glazing and a non-opening window in order to address the concerns of the neighbour.

*RESOLVED* (TEN voted FOR and ONE AGAINST) that the planning application be approved subject to the conditions set out in the report and an additional condition

requiring the rooflight aligned with the side window of the neighbouring property to be non-opening and obscure glazing.

**185      151097 27 Elianore Road, Colchester**

**Councillor Scott-Boutell here resumed the Chair**

The Committee considered an application for a two storey rear extension with basement for private use at 27 Elianore Road, Colchester. The application had been referred to the Committee at the request of Councillor Buston. The Committee had before it a report in which all the 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.

James Ryan, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. He confirmed that the application was the same as one approved in 2010 but not implemented.

Andrew Keane addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he had expressed his concerns about the proposal to the Planning case officer but he felt that these had not been taken into account. He referred to a previous application in 2004 in relation to which statutory planning notices had failed to be submitted to neighbouring residents and he was concerned that changes to the footprint of the garden had taken place since that time. He considered that the current plans failed tests in relation to overbearing. He referred to the application which had been approved in 2010 and explained that since that time the garage to his own property had been converted to a family living room and, as such, this was an added consideration which needed to be taken account of although it wouldn't have been a consideration in 2010.

Lloyd North addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that his neighbours' property had been subject to development since the 2010 application for his own property had been given approval. He made reference to certain circumstances surrounding the planning applications at the two properties. He considered the current application was reasonable and would not fundamentally change the property from a moderately sized family home.

Councillor Buston confirmed he had called in the application for the Committee's consideration at the request of the objector. Although he had not formed a view on the application he left the meeting and did not participate in the consideration of the item.

One member of the Committee was concerned that the proposal would be highly visible given the very long garden and the corner plot location and queried the assertion that neighbours had failed to be notified in relation to a previous application and the scheme's failure to pass one of the 45° line tests. Generally, however, members of the

Committee were of the view that the application would cause no harm in planning terms.

The Principal Planning Officer acknowledged that the proposal did not introduce the element of subservience to the original building which was usually a requirement of current applications but he was of the view that the proposal did respect the host building and, as such, was acceptable. He was not of the view that consultations on a previous application had failed but, in any event, he explained that there had been no significant changes in policy since 2010 to warrant a refusal on this occasion. He also explained that the 45° test was part of adopted guidance although it wasn't a rule and that this guidance was becoming less relevant due to the changes brought about by Permitted Development rights.

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