

# Planning Committee

## Thursday, 31 March 2016

**Attendees:** Councillor Peter Chillingworth (Group Spokesperson), Councillor Jo Hayes (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jackie Maclean (Member), Councillor Jon Manning (Chairman), Councillor Patricia Moore (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Group Spokesperson), Councillor Jessica Scott-Boutell (Deputy Chairman)

**Substitutes:** Councillor Ray Gamble (for Councillor Helen Chuah)

### 302 Site Visits

Councillors Chillingworth, Hayes, Hazell, Jarvis, Manning, Moore and Scott-Boutell attended the site visits.

### 303 Minutes

There were no minutes for confirmation at the meeting.

### 304 160235 Part garden of 19 St Clare Road, Colchester

The Committee considered an application for the erection of a detached dwelling, garage and new access at 19 St Clare Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Buston. The Committee had before it a report and an amendment sheet in which all the 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.

James Ryan, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. He referred to representations requesting a condition to provide obscure glazing to part of the front bay window in order to prevent overlooking and confirmed he maintained his view that this was neither necessary nor appropriate.

Salakchome Stones addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She referred to the former designation of St Clare Road as an area of special character and maintained that the road continued to have a special character and a low density and that this should be protected. She was concerned that the proposed dwelling would be very prominent

within the street scene, was overbearing in size and proportion. She considered that, with the removal of the green space, the road would appear over developed and the sub-division of the front garden would be to the detriment and elegance of the road. As such she was of the view that the proposal would cause material harm and conflict with the principles of the National Planning Policy Framework. She further considered that there would be a negative impact on 19 St Clare Road which was not insignificant as it would block daylight and the garden would be overlooked.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that, in developing the proposals before the Committee consideration had been given to the constraints of the site, to maintaining the character of the area and to adhere to the principles of the National Planning Policy Framework. Pre-application meetings had been conducted with the Planning officers, following which, letters had been sent to local residents explaining the intended proposals. He explained that considerable care had been taken in relation to the architectural merits and design of the proposed dwelling, with attention being given to addressing issues such as potential overlooking and the existing distances between dwellings in the road. He acknowledged the concerns of the residents but was of the view that the design was of the highest quality and the Committee report had demonstrated that there were no grounds on which to base a refusal of the application.

Councillor Buston attended and, with the consent of the Chairman, addressed the Committee. He explained that he had called in the application for the reasons set out accurately in the Committee report. He welcomed the courtesy which had been demonstrated by all involved in the application. He drew attention to the special character of the road and the need for this to be preserved despite the loss of the official designation. He considered that the potential overbearing nature of the proposed dwelling had been dismissed too lightly and, although some considered the design to be of high quality, this was a subjective consideration. For people living in the road, the merits of the dwelling were viewed in a different light.

The Principal Planning Officer explained that the special character policy had formed part of a previous Local Planning regime which had been subsequently removed by Government guidance which considered this additional layer of protection was no longer appropriate. Whilst he acknowledged that St Clare Road was one of the most attractive roads in Colchester, he and colleagues were of the view that the proposed dwelling would sit very comfortably within the street scene and, as such, it would be inappropriate to refuse the application. He also couldn't agree that the dwelling would be overbearing as it would be located at a remote distance from other dwellings. The design of the dwelling was of very high quality and, as such, complied with policy whilst the criteria relating to heritage asset were not relevant in relation to the host dwelling as it was not accredited in any way.

Members of the Committee referred to the character of the road and, whilst

acknowledging the importance of maintaining this environment, were of the view that there were no planning reasons upon which a refusal of the application could be based. Reference was also made to the very high quality of the design and the care which had been taken to draw architectural references from other dwellings in the road. Particular comment was also made in relation to the provision of a car charging point, in accordance with Section 35 of the National Planning Policy Framework.

In response to specific questions the Principal Planning Officer confirmed that a proposed condition had been included to provide for a full archaeological investigation and assessment and that he did not consider it appropriate to include a condition to provide for the inclusion of a car charging point.

*RESOLVED* (UNANIMOUSLY) that the planning application be approved subject to the conditions set out in the report and an additional condition to provide for the installation of a charging point for low emission vehicles.

**305      160415 Town Hall, High Street, Colchester**

The Committee considered an application for the proposed removal of plasterboard studwork, non-load bearing wall to reinstate an original room size at the Town Hall, High Street, Colchester. The application had been referred to the Committee because the Council was the applicant. The Committee had before it a report in which all the information was set out.

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

**306      Proposed Deed of Variation to existing Section 106 Agreement at the Maltings Student Accommodation**

The Committee considered a report by the Head of Commercial Services concerning a proposed variation to an existing Section 106 Agreement to allow relevant contributions to be spent on making community space within a student accommodation development fully accessible to all members of the community. It was explained that permission had been granted in November 2013 for the erection of student accommodation at Haven Road, Colchester with a Section 106 Agreement which included, amongst other matters, a contribution of £85,000 towards a community facility and community events within the development. The proposal was to put up to £18,000 of this contribution towards the provision of a lift for the community facility.

*RESOLVED* (UNANIMOUSLY) that the variation of the Section 106 Agreement as proposed within the report be approved.