

# Planning Committee

Thursday, 09 June 2016

**Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Pauline Hazell (Group Spokesperson), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Member)

**Substitutes:** Councillor Michael Lilley (for Councillor Cyril Liddy)

## 326 Site Visits

Councillors Barton, Chuah, Elliott, Higgins, Loveland and Scott attended the site visits. Councillors Hazell and Jarvis attended the site visit to Chapel Road, West Bergholt only.

## 327 Minutes

There were no minutes for confirmation at the meeting.

## 328 152730 Land west of Brook Street, Colchester

**Councillor Higgins (by reason of her having expressed a prejudicial view on the application) declared an interest pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination after she had made representations as a visiting ward councillor.**

**In the absence of the chairman, this item was chaired by Councillor Scott.**

The Committee considered a hybrid planning application comprising of an outline planning permission (with appearance and landscaping reserved) for the development of 61 residential dwellings (27 one bedroom and 34 two bedroom) together with associated car and cycle parking, landscaping and open space access and servicing arrangements and full planning permission for the change of the former rectory building to C3 (residential) to provide five residential dwellings (five two bedroom) together with associated car parking, access and servicing arrangement at land west of Brook Street, Colchester. The application had been called in by Councillor Higgins and then deferred by the Committee at the meeting on 26 May 2016 for further negotiations to achieve a greater number of parking spaces in compliance with adopted standards. The

Committee had before it a report and amendment sheet in which all the information was set out.

The report explained that a revised plan including a further 24 parking spaces, making 114 in total had been submitted which represented four fewer than the adopted parking standard.

*RESOLVED* (UNANIMOUSLY) that the planning application be approved subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the legal agreement is not signed within six months authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- (a) A review mechanism in respect of financial viability;
- (b) Provision of a private management company
- (c) Provision of open space plus submission and approval of scheme for the setting out and landscaping and management/ maintenance of this area
- (d) Provision of footpath and cycle way for public use
- (e) 12 metre area along the north boundary to be reserved for Rapid Transport Route and on completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report, as amended in the amendment sheet.

### **329     160531 91 Chapel Road, West Bergholt**

**The Chairman, Councillor Higgins, here resumed the Chair.**

The Committee considered an application for the demolition of an existing bungalow and garage and the construction of a detached four bedroom house (subsequently amended to three bedroom) with detached garage at 91 Chapel Road, West Bergholt. The application had been referred to the Committee because former Councillor Harrington had called it in. 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 proposals upon the locality and the suitability of the proposals for the site.

Mark Russell, Principal Planning Officer, presented the report and, together with the Simon Cairns, Major Development and Projects Manager.

Bob Tyrrell, on behalf of West Bergholt Parish Council, 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 that the Parish Council had been working on and explained that the Parish Council weren't against the development but were seeking a compromise. The application site was in a prominent location on Chapel Road which had been occupied by a very small bungalow. He considered that

the proposed new house would dominate the bend in the road as he was of the view that it was situated too close to the road, in front of the building line of the bungalow. He also considered the proposal to be contrary to the Village Design Statement, particularly in respect of the ridge level for the roof. He sought the removal of permitted development rights and potential problems as a consequence of the number of springs in the area.

Joseph Greenhow addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the scale of the proposal had been reduced compared to the 2014 proposal which had been refused at Appeal and had been reduced still further in the light of discussions with the planning officer. The current proposal had a lower ridge height and reduced rear projection compared to the refused application and, as such, he considered no material harm would be caused. He acknowledged that the dwelling would project marginally further forward than the existing bungalow but not so when the front porch was taken into account. He did not consider the proposal to be out of character with the area and confirmed that a condition had been agreed for the removal of permitted development rights.

Councillor Barber attended and, with the consent of the Chairman, addressed the Committee. He supported the views expressed by the Parish Council, and its proximity to the road particularly in relation to the size of the proposed dwelling. He was of the view that the building should respect the existing building lines and boundaries and was concerned that the replacement dwelling would look considerably out of character in the area. He referred to application drawings being out of date and that the proposal contravened the Village Design Statement.

Some members of the Committee referred to the prominent nature of the proposed dwelling in conjunction with its location at the apex of a blind bend in the road.

The Principal Planning Officer confirmed that planning application drawings were not required to be up to date, given the site inspections which would be undertaken in considering of an application and that the existence of springs in the area was not of concern as the site was not in a flood zone. He explained that consideration could be given to discussing with the applicant the removal of the gable to the front elevation in order to reduce the dwelling's prominent appearance although he acknowledged concerns that this may significantly reduce the dimensions of one of the proposed bedrooms, such that it would be impracticable.

The Major Development and Projects Manager indicated that, as an alternative and subject to the resulting impact on neighbouring properties, the gable could be flattened and the two storey extension pushed back to negate significant loss of bedroom space.

*RESOLVED* (UNANIMOUSLY) that consideration of the planning application be deferred for further negotiations to seek the removal of the projecting gable from the front

elevation or, alternatively, a flush gabled frontage design to the proposed replacement dwelling and authority be delegated to the Head of Professional Services to determine the application subject to the conditions set out in the report and as amended in the amendment sheet.

**330      160603 Ivy Cottage, 4 Leech's Lane, Colchester**

The Committee considered an application for the demolition of an existing large detached residential unit split into two flats to create a site for two new one and half storey dwellings, resubmission of application number 152594 at Ivy Cottage, 4 Leech's Lane, 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 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.

Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations.

Mike McGarr addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the location of the site along an unadopted road and disputed concerns raised by neighbours in relation to the proposal's negative impact on two visitor parking spaces and a hedgerow at the end of Leech's Lane. He acknowledged that no adverse comments had been submitted by the Highway Authority nor any recommendation regarding the provision of a turning head. He was of the view that the proposed dwelling was of very good, functional and clean design.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He explained that the road was owned and maintained by the residents, who considered it would be impossible to reverse in and out of the proposed driveway. He mentioned a suggestion to realign the layout of the site which would enable the parking spaces to be moved away from the visitor parking spaces and the hedgerow at the end of the road. Concern had also been expressed regarding the external to the neighbouring house which needed to be protected for the duration of any construction works.

The Planning Officer explained that the ownership of the road was not a material consideration in the determination of the application. He did not consider the hedgerow to be of sufficient merit to be protected and was of the view that any realignment of the site layout would create more significant issues for neighbouring residents in relation to the closer proximity of the dwelling to their boundaries. He also confirmed that standard conditions would adequately control the construction phase of any development.

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

**331      160935 8 The Lane, West Mersea**

The Committee considered an application for a single storey rear extension at 8 The Lane, West Mersea. The application had been referred to the Committee because it had been called in by Councillor Moore. 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 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.