

Planning Committee

Thursday, 09 March 2023

Attendees: Councillor Lyn Barton, Councillor Nigel Chapman, Councillor Helen Chuah, Councillor Michael Lilley, Councillor Sam McCarthy, Councillor Chris Pearson, Councillor Leigh Tate, Councillor Martyn Warnes
Apologies: Councillor Jackie Maclean, Councillor Roger Mannion
Substitutes: Councillor Robert Davidson (for Councillor Jackie Maclean), Councillor Jeremy Hagon (for Councillor Roger Mannion)

970 Site Visit

A site visit was conducted on the 9 March 2023 and was attended by Councillors Lilley, Barton, Chapman, and Davidson. Members of the Committee visited the following sites

- 213273 5 Queens Road, Colchester, CO3 3PD
223010 Lexden Manor, 8 Colvin Close, Colchester

971 Minutes of Previous Meeting

The Minutes of the meeting held on the 2 February 2023 and 16 February 2023 were confirmed as a true record.

972 213273 5 Queens Road, Colchester, CO3 3PD

The Committee considered an application for a Two Storey rear extension, refurbishment and alterations to roof, fenestration and external materials of host dwelling. The application was referred to the Planning Committee as it was called in by the late Councillor Cope on the 22 December 2021 due to the scale and character of the proposal not being in-keeping, was considered out of place in a classic 1930s cul-de-sac of detached dwellings.

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 and informatives set out in the report.

973 222817 Eustace King, 14-15 Osborne Street, Colchester, CO2 7DP

Councillors Tate and Warnes declared a registerable interest in the application 222817 as Council appointed directors of Colchester Commercial Holdings Limited (CCHL) which directly funds Amphora Homes. As such Councillors Tate and Warnes did not take part in any debate or vote on the item.

The Committee considered an application for the change of use of the upper parts of 14-15 Osborne Street only from C3 to storage/ office space which is to be ancillary to ground floor retail use currently also now let to a Funeral Directors. The application was referred to the Planning Committee as the applicant is Amphora Homes which is part of the City Council.

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 and informatives set out in the report.

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223010 Lexden Manor, 8 Colvin Close, Colchester, CO3 4BS

The Committee considered an application for a proposed side extension. The application was referred to the Planning Committee as it had been called in by Councillor Tate on the basis that the proposed development:

- Represents over-development on the site (including the loss of outdoor space)
- Has a harmful impact on the appearance of a historic building
- Is rather small and cramped
- Fills a space for the sake of it
- Represents overdevelopment of the area

Concerns have also been expressed by Councillor Tate about the disruption being caused by the implementation of an approved scheme on an adjacent site. This is not considered to be a material consideration for this particular application.

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

Hayleigh Parker-Haines, Senior Planning Officer, presented the report and assisted the

Committee in its deliberations. The Committee heard that the proposal for the side extension would provide ancillary accommodation for the existing dwelling and detailed the plans of where it would sit in the wider site boundary. The Case Officer concluded by detailing that the officer recommendation was for approval as detailed in the report and provided a verbal members update advising a condition was to be included to ensure that the proposed development remain ancillary to the host dwelling.

Simon Sorrell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Committee heard that the speaker had been asked to address the meeting on behalf of the residents of Marlowe Way and described that the proposal was significant overdevelopment of the site. The speaker detailed that the site had originally been the single dwelling and gardens but had subsequently been changed into multiple dwellings on the gardens. The Committee heard that there was a loss of the open character of the building which was well known in the Colchester area and queried previous planning decisions which had allowed 5 dwellings including rooms above the cart-lodge. It was noted that there was a condition associated with the cart-lodge that it could not be used as a dwelling and concluded by asking whether the proposed development could be built without overlooking or opaque windows.

Councillor Leigh Tate addressed the Committee as a Ward Member and not as a Member of the Committee. It was noted that they did not take part in the debate or vote on the item. The Ward Member explained that the plans shown on the presentation were incorrect and showed the site in the wrong context to its current surroundings and that they had called in the application due to the overdevelopment of the site. The Committee heard that this had originally been a single dwelling and overdevelopment of the site had taken place with the proposal before the Committee adding to this. It was noted that there had been an infringement of policy SP7. The Ward Member concluded by asking that the application be refused but asked that if Members were minded to approve the application they give further consideration to policy DM13, ensuring that the building remained single storey and prevent any overlooking from the proposal onto existing residents properties.

At the request of the Chair the Senior Planning Officer responded to the points raised by the speakers. The Committee heard that officers did not deem that the proposal was overdevelopment of the site with the footprint of the proposed extension being 40 metres squared. It was noted that the site would not be overtly visible from the public realm and apologised that one of the maps was incorrect but confirmed that the floor plans that had been put before the Committee were correct.

Simon Cairns, Development Manager confirmed that there was a limited view from the public realm and that the proposal did not overlook other dwellings as a glazing would be applied so that anyone in the habitable rooms would not be able to overlook existing properties. The Development Manager reminded the Committee that they should look at the application before them and judge it on its own merits.

Members debated the application and noted that there were reasonable concerns regarding an impact on privacy of neighbouring properties and that the obscuring glazing was welcomed to address this issue. A concern was raised regarding the use of the site and whether it could be used as an Air BNB or other holiday accommodation.

The Senior Planning Officer confirmed that the use of the proposal would have to be ancillary to the main dwelling and could not be used as a holiday let.

The Committee continued to debate the application regarding the removal of Permitted

Development rights and whether this would be appropriate. The Development Manager

advised that if this was to be added to the recommendation that it would require reasonable grounds and asked whether it would cover all classes of Permitted Development Rights. The Committee debated this further until a proposal was made and seconded as follows:

That the application be approved subject to the conditions and informatives set out in the report with the additional conditions:

- That the side extension could only be used or occupied solely as ancillary accommodation to Lexden Manor
- That Permitted Development Rights are withdrawn for Class A (extensions) and

Class E (outbuildings) as the curtilage is now much reduced by approved development of new homes.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions and informatives set out in the report with the additional conditions as detailed below:

- That the side extension could only be used or occupied solely as ancillary accommodation to Lexden Manor
- That Permitted Development Rights are withdrawn for Class A (extensions) and Class E (outbuildings) as the curtilage is now much reduced by approved development of new homes.

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Proposed Deed of Variation to the Legal Agreement of previously approved planning application 191830 for the erection of 46 dwellings. Application number 19183. - Land at School Road Langham

The Development Manager presented the report to the Committee outlining that the proposed deed of variation had been requested due to the trigger points related to the open market units and how this was linked to the affordable housing which would stop the developer commencing and occupying 3 private plots that had been previously approved.

The Planning Manager detailed that the second variation was around community facilities which would change the list that had been previously agreed by the Committee. The Planning Manager concluded by detailing that the full list of changes were detailed in appendix 1 of the report and that the officer recommendation was for approval.

Members debated the deed of variation with the Committee expressing general support for the variation and that it was unfortunate that the crossover point in private and affordable housing had not been seen when the applications were originally approved.

RESOLVED (UNANIMOUSLY) that the deed of variation is approved as detailed in the officer recommendation.