

Planning Committee

Thursday, 18 January 2018

Attendees: Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Chris Pearson

Substitutes: Councillor Nick Cope (for Councillor Lyn Barton)

Also Present:

546 Site Visits

Councillors Chuah, Hazell, Jarvis, Liddy, Loveland and J. Maclean attended both the site visits. Councillors Higgins attended the site visit to Parkwood Avenue, Wivenhoe only.

547 Minutes of 30 November 2017

The minutes of the meeting held on 30 November 2017 were confirmed as a correct record.

548 Minutes of 11 December 2017

The minutes of the meeting held on 11 December 2017 were confirmed as a correct record.

549 172816 University of Essex, Wivenhoe Park, Colchester

Councillor Higgins (in respect of her spouse's employment by the University of Essex) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

The Committee considered a planning application to vary condition 4 of planning permission no 150895 at the University of Essex, Wivenhoe Park, Colchester. The application had been referred to the Committee because it was a proposal to vary a condition attached to a grant of planning permission for a major development and an objection has been received from Wivenhoe Town Council. 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.

RESOLVED (UNANIMOUSLY) that the application be approved with no conditions but subject to the informative set out in the report.

550 172949 58 Parkwood Avenue, Wivenhoe, Colchester

The Committee considered a retrospective planning application to Build a brick wall on the front boundary of the property to complement the house and existing planning conditions (Ref: 152105) at 58 Parkwood Avenue, Wivenhoe, Colchester. The application had been referred to the Committee because the application had been called in by Councillor Scott. 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.

Eleanor Moss, Planning Officer, presented the report and assisted the Committee in its deliberations. She confirmed that any approval of the application would need to be subject to the standard condition relating to approved drawings.

Shaun Boughton, on behalf of Wivenhoe Town Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that the application had not followed usual planning rules. He was of the view that the replacement of the boundary hedge with a wall was detrimental as it made the house stand out and the hedge had created a softer look to the surrounding street scene. He queried the construction of the wall which incorporated a 'pinch point' which, in his view, limited access to the lane to the east and hindered the use of the neighbour's prescriptive easement for vehicular access. As such he asked for the 'pinch point' to be removed.

Craig Revell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that, planning permission was being sought to enable him to complete the construction of the boundary wall. He apologised for his misunderstanding of the term 'highway' and explained that he believed the demarcation of the front boundary of his property was the path which had been laid out 20 or 30 years previously. For the avoidance of doubt or dispute, however, a Certificate B notice had been served on the owner of the lane, and, in response to which, no objection had been forthcoming. Following removal of the hedge the width of access had increased which could be confirmed from a topographical survey undertaken by the builder of the house. Although not a material consideration, he had researched the access requirements for the emergency services. He understood that, as the lane was not a highway, it was not shown as accessible on the fire service navigation system, the width of a fire engine would mean that the use of the lane would not be contemplated and fire service practice was such that a fire engine would not be parked directly outside the location of an emergency for safety reasons. He had also observed that when ambulances had been called to the vicinity of houses in the lane, the ambulance had

been parked in Parkwood Avenue and a stretcher had been used to transfer a patient from the house. He asked the committee to uphold the planning officer's recommendation in the report.

Councillor Scott attended and, with the consent of the Chairman, addressed the Committee. She was of the view that the plot had been developed in an overbearing and inappropriate size and design, the road being characterised mainly by bungalows and mixed homes. It had been sanctioned by the Planning Committee on condition that trees and hedges were retained to mitigate the loss of habitat and the size and style of the building. She considered the house to be domineering and overbearing with much of the hedging and trees having been destroyed. She was of the view that the hedge was more in-keeping with the street scene whilst the wall had been sited outside the boundary of the plot. She considered this constituted trespass and, as such, the committee could not give permission for this. She considered the matter was not a neighbour dispute but an access issue, and believed the planning committee had a duty to prevent the building of walls which blocked public access. She maintained the development did have an impact on design, amenity, highways and safety as well as disregarding conditions attached to a previous planning permission, which included the maintenance of a boundary hedge. She urged the committee to not feel obliged to approve the application on the basis that the wall had already been built.

The Planning Officer confirmed that the application was retrospective but the authority was obliged to determine it in the same way as any other application, whilst the legal access rights were not a material planning consideration, but needed to be dealt with through proper legal channels and the granting of planning permission would not override this. She explained that the lane was in private ownership and had therefore not generated an objection in relation to the wall from the Highways Agency or the Highway Authority. In relation to land ownership, both Certificates A and B had been submitted by the applicant and had therefore accorded with the correct planning processes in that planning permission related to the land rather than who owned the land. She further reminded the Committee of the existence of a number of bollards which had been in place for a considerable period of time which also contributed to the restrictions on accessibility of the lane.

Members of the Committee generally welcomed the design of the development and were of the view that the wall was not overbearing but was in-keeping with the dwelling and enhanced the area generally. Reference was made to new hedge planting which had been undertaken behind the wall which would mature over a short period of time. It was also acknowledged that access issues were matters which could not be taken into account in determining the application. Clarification was sought in relation to the 'pinch point' in the wall and whether it was possible to restrict the maximum height of the main part of the wall.

The Planning Officer confirmed that, as a design feature, it was intended that the wall

would include a series of small piers, along its length which would extend slightly higher than one metre. This was not considered to constitute significant harm to the character and appearance of the area. The lower part of the wall was not higher than one metre and, as such, was permitted development. Further planning permission would need to be sought in order to raise the wall any higher or to introduce any other features or gates, higher than one metre, not already identified on the current drawings. In relation to the 'pitch point' in the wall, she confirmed that this was entirely a civil legal matter, not a material planning consideration and on which she was unable to take a view, other than it needed to be dealt with through the correct legal channels. She also confirmed that the planting which had been undertaken behind the wall was subject to existing landscaping conditions which would need to be discharged, hopefully before the end of the planting season.

RESOLVED (SEVEN voted FOR and THREE ABSTAINED) that the application be approved subject to the standard condition relating to approved drawings and the informative set out in the report.

551 172984 76-79 Maidenburgh Street, Colchester

Councillor Liddy (by reason of his directorship of the Colchester Borough Homes) 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 replacement of windows to flats at 76-79 Maidenburgh Street, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Homes. 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.