

Planning Committee

Thursday, 08 July 2021

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Robert Davidson, Councillor Pauline Hazell, Councillor Michael Lilley, Councillor Jackie Maclean
Substitutes: Councillor Patricia Moore (for Councillor Roger Mannion), Councillor Chris Pearson (for Councillor Martyn Warnes)
Also Present: Also in attendance: Cllrs Barber* and Chapman*

* attended remotely

854 211117 Land adjacent to 3 Highfield Drive, Colchester

The Committee considered an application for the erection of a four-bedroom detached house on land adjacent to 3 Highfield Drive, Colchester.

The application had been referred to the Committee as it had been called in by Councillor Barton, for the reasons laid out in the report.

A report had been laid before the Committee regarding this application, along with an amendment sheet noting that a RAMs payment had been made, overcoming that one of the reasons given for the recommendation for refusal.

Chris Harden, Senior Planning Officer, presented the report and assisted the Committee in its deliberations. A presentation was given of site photographs, aerial views and sketches of elevations and floorplans.

The Senior Planning Officer noted the RAMs payment had been made, negating that one of the reasons for recommended refusal. However it was noted that the application would cause a loss of local green space, judged by the Officer to be to the detriment of the area's character, and going against the priority of maintaining local green space and protecting the character of the streetscene. This view was in line with the view given by the Planning Inspector when the previous application for a dwelling on the site was dismissed on appeal in 2015. The National Planning Policy Framework [NPPF] presumption was in favour of sustainable development and, whilst this development was deemed to be sustainable, this did not override the harm which would be caused to the character of the local area.

The Senior Planning Officer noted that the application had been deemed to be of low impact regarding highways issues, and so it would not be reasonable to refuse the application on highways grounds.

Ms. Marguerite Haddrell addressed the Committee, pursuant to the provisions of Planning Committee Procedure Rule 8, in support of the application, being the applicant. She informed the Committee that this was a very personal application to her and argued that the refusal in 2015 was now almost seven years in the past, under old policies. The current Policy SP1 was highlighted as showing the Council's priority on sustainable development and dictates that applications which comply with its sustainability criteria should be approved without delay. Ms Haddrell reminded the Committee that this application had been judged to be sustainable.

Ms Haddrell argued that the reasons for the original refusal were no longer applicable, that the application was in keeping with the streetscape and setting, and that it would be unreasonable to refuse the application on the grounds of garden size, as this was 50% greater than the Council's minimum.

Drawing comparisons with other developments and applications, Ms. Haddrell questioned why, in her view, officers were not consistent in their advice to the Committee.

Councillor Barber attended and, with the consent of the Chair, addressed the Committee to oppose the application. He noted that, at the time of the original refusal on appeal in 2015, the NPPF sustainable development policy was already in place, and that this had been addressed by the case officer. The area was not specifically allocated for development in the Local Plan. Councillor Barber argued that the effect on the space and character of the area should be considered and urged the Committee to back the case officer's recommendation to refuse.

Councillor Barton explained that she had called in this application due to a discrepancy in the application documents which had been published and agreed that planning policies had moved on since 2015, with a greater emphasis on the importance of sustainability.

The Committee discussed the application, asking for confirmation that there were no access issues and noting the lack of highways problems and fact that no trees would be lost. One member noted that this was not a conservation area, the property would not overlook others, and would not impede access. Good access links to the Town Centre were also noted.

The Committee asked for clarity as to how this application differed from the earlier, refused application for the site, and requested assurances that reasons for refusal relating to planning policies were still valid. A clarification was also requested regarding

the sloped nature of the site, and whether the proposed property would be built at a level with the top of the slope, thus creating an imposing presence in the street scene, or whether ground would be excavated for it to be built lower, and below the level of the existing properties in keeping with the level of the existing street. The Committee considered whether a restriction could be placed to dictate the level on which building would be carried out.

The Committee discussed the proposed levels of the new property, whether this would overlook other properties and whether any design issues could be taken up with the applicant to resolve before Committee came to a decision.

In response to questions, the Senior Planning Officer confirmed that officers raised no concerns regarding land ownership or access rights and confirmed that it would be considered to be a sustainable development, then recapped the reasons given for the recommendation to refuse. It was confirmed that the sloped nature of the site remained of concern and would cause a discordant relationship in the height of the proposed building to neighbouring homes and the streetscene. The site would need to be 'built up' or excavated to allow building to go ahead. If built up, this would impose over the street scene. The NPPF still insisted that developments should be sympathetic to their areas and settings and add to the overall quality of the area. Adding built form within this important open space was considered to detract from the area's character, although officers' opinion was that there would be no issues of overlooking other properties.

The Committee was informed that the proposed garden was of a size in accordance with policies, but could still give grounds for refusal, if out of keeping with the area. This was not considered to be a key reason to refuse but was a valid reason.

Committee members discussed whether they needed to see more graphic representations of the proposed building heights and site levels. Simon Cairns, Development Manager, confirmed that the property would be above street level by a considerable degree (based on the image provided in the D & A statement submitted with the application, and would potentially require a retaining wall under it, making it up to half a storey higher over street level. He also confirmed that the same policies which had led to the initial refusal in 2015 were still in effect now and had not changed (as part 2 of the emerging local plan had yet to be adopted). There were social, economic and environmental elements to sustainable development, and the Development Manager gave the view that there would be environmental harm in this instance.

The Development Manager informed the Committee that, if it was minded to approve the application, it would need to identify changes in the circumstances of the case and grounds to overrule the original refusal and refusal at appeal, as well as the views given by the planning inspector.

RESOLVED that the application be refused (FOUR voted FOR, THREE voted

AGAINST), for the reasons set at out at paragraph 18.1 of the report.

855 211240 Holy Trinity Church, Trinity Street, Colchester

Councillor Lilley (in respect of having used his locality budget to support past projects of Art Eat Events) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for consent to the painting of a permanent art mural on the external wall of the Vestry at the former Holy Trinity Church.

The application was referred to the Committee at the request of Cllr Goacher for the following reason: "Significant concerns about the impact and design of this mural. Will impact negatively on this heritage site as the design is not in keeping with the setting.". Moreover, the applicant was Cllr Leatherdale on behalf of Lion Walk Shopping Centre.

The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

Eirini Dimerouki, Historic Buildings and Areas Officer, attended to present the report and assist the Committee. Parts of the building dated back to before 1066. The wall relating to this application was a later, 19th Century wall and part of the vestry, but was still part of the Grade One listed building. Objections made to this application had been shown in the report, and two submissions in support had been received on the previous day, and links to these were provided in the amendment sheets.

The Officer highlighted the material impact to the vestry and the concerns that the application did not provide enough information regarding issues such as paint to be used and whether this would be vapour permeable and compatible with the stonework. There were concerns regarding impact on the conservation area and it was noted that there was already much visual clutter in the area. The National Planning Policy Framework [NPPF] set out requirements regarding work on listed buildings and it was the officer's view that this application did not meet these.

Mr John Burton of the Colchester Civic Society addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 and in opposition to the application. Mr Burton raised the concern that approval of this application would set a precedent and make it harder to refuse harmful applications on listed buildings in the future. It was noted that the application being judged to be of less-substantive harm still meant that it was considered to be harmful. The use of housepaint on a Victorian wall

would cause problems and the view was given by Mr Burton that the current paint did not draw the eye and added to visual clutter.

Mr Burton raised concern that no consultation had been carried out and recommended that the Council worked with others to identify places and ways to beautify the area.

Ms Daisy Lees, of Art Eat Events, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 and in support of the application. Ms Lees described the work done by Art Eat Events to make spaces that improved areas and explained the process to select the art and artist for the site. Ms Lees argued that the technical details in the refusal recommendation were incorrect, and that this was only designed to be a temporary mural. A suitable paint technique could be found for the wall and the applicant would take on board the comments made. It was suggested that approval could be given on condition that a consultation exercise then be carried out to find a compromise design.

The Committee discussed the application, citing concerns that consultation had not been carried out prior to the application being submitted, that the application would detract from the church, and that approving this application would set a dangerous precedent regarding future applications to listed buildings.

Picking up on the lack of information regarding paint to be used, it was noted by the Committee that problems such as rising damp could quickly destroy some paints, if used inappropriately, and that there were modern walls in the area which would potentially be better sites for a mural. The Committee emphasised that their views were no comment on the artwork proposed and the Chairman hoped that the Lion Walk Management Company could work with stakeholders and the public to identify a suitable alternative location to the site proposed here.

RESOLVED (UNANIMOUSLY) that the application be refused for the reasons set out in the report.

856 210847 Church House, Church Road Wormingford

The Committee considered an application for the conversion and extension of an existing single storey outbuilding range to form a single three bedroom dwelling. The Committee had before it a report in which all information was set out. The application had been referred to the Committee as it represented a departure from the Local Plan as the site is situated outside an adopted settlement boundary in open countryside for policy purposes within the Dedham Vale AONB.

RESOLVED that the application be approved subject to the conditions and informatives as set out in the report.

857 202242 2 Delamere Road, Colchester

The Committee considered an outline application for a proposed four-bedroom bungalow.

The application was referred to the Committee because Cllr Hogg called in the application for the following reason:

‘The proposed site is unsuitable in both size and location particularly as the proposed plot is approximately 50 square metres smaller than the remaining donor site, A 4 bed bungalow and parking would be cramped and out of character in this area.’

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

Eleanor Moss, Senior Planning Officer, attended to present the report and assist the Committee.

Mr Geoffrey Eaton, as agent for the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 and in support of the application. Mr Eaton addressed questions regarding the proposed garden size, stating that this would be 30% larger than the minimum size required by the Council’s requirements, and would also allow for sufficient off-street parking to be included on the site. It was noted that the surrounding properties were also bungalows, as this would be, and that there would be hedging on three sides and a brick wall betwixt this site and the existing neighbouring property.

A statement from Councillor Hogg was read out with the consent of the Chair, addressing the Committee to oppose the application. Councillor Hogg apologised that he was unable to attend, due to a clash with another Council Committee meeting at which he had to be in attendance. Councillor Hogg explained his call in of the application and his hopes that the Committee would consider the comments and concerns submitted by local residents, regarding the fear that this development would make the site appear crowded and lead to a change of character in the area and a loss of visual amenity for existing residents. Councillor Hogg also expressed fears that the conditions proposed for bicycle storage and access would not restrict vehicle movements involving the site, should it become an HMO [House of Multiple Occupation] in the future, leading to loss of

residential amenity.

A Committee member requested that, should the application be approved, a condition be placed upon it requiring the replacement of a tree which had previously been located on the site, and had been subject to a Tree Preservation Order, but which had had to be removed some years ago. A suggestion from Committee was that this could be a sweet chestnut or similar. The Senior Planning Officer confirmed that the tree had been legally felled in 2011, and the required replacement not planted. The Council's legal services team had advised that too much time had elapsed since then for enforcement to require replanting to be carried out.

Committee discussions queried whether the four parking places proposed for this site included spaces for both residents and visitors, whether the Committee should require an increase in electric vehicle charging points and whether the proposed boundary would have a detrimental effect on the neighbouring property and road/footway. The Committee also queried how large the frontage of the bungalow was expected to be and whether the site satisfied the Council's size requirement. The Senior Planning Officer was asked to provide assurance that any property proposed for the site would be screened from the road and not protuberant from the existing building line. It was confirmed by the Officer that the building would likely protrude to a degree but would not be considered out of keeping with the street scene.

The Senior Planning Officer explained that all matters were reserved at this stage, so no details were required from the applicant for this application. The Council aimed for sites of round 430m² for such a property. This site was around 379 m² and so was smaller, but comparable to the sizes of existing properties on Delamere Road. The site was not considered to be imposing enough on the street scene for that to constitute a ground for objection, which was considered to meet requirements for sustainable development. It was highlighted that four spaces were shown as an illustration as to what would be possible on this site, but access and parking arrangements would be specified in any future application to build a specific property on the site. The minimum of spaces required would be two.

The perceived merits and demerits of this application, compared to other applications, were raised by one Committee member. The Development Manager emphasised that applications must be considered purely on their own merits and that no associations or comparisons should be drawn with other applications.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions and informatives as set out in the report, plus a requirement that reserved matters be referred to the Committee for consideration Landscaping to include replacement tree to compensate for failure to comply with the replanting notice issued following the felling of a protected tree in 2011.

858 211259 Land to the rear of The Retreat, Wood Lane, Fordham Heath

The Committee considered an application for a lawful development certificate to erect a summerhouse. The Committee had before it a report in which all information was set out. The application had been referred to the Committee as the applicant was a current Colchester Borough Councillor.

RESOLVED that the certificate as set out in the report be issued to the applicant as the proposal constitutes permitted development.

859 211237/211324 Brook Street, Colchester

The Committee considered an application for the installation of environmental "switch off" signage and revisions to application previously approved under 201799. The Committee had before it a report in which all information was set out. The application had been referred to the Committee as the applicant was Colchester Borough Council.

RESOLVED that advertisement consent for both applications be granted subject to the conditions set out in the report.

860 211519 Hythe House, 142 Hythe Hill Colchester

The Committee considered an application for the replacement of existing timber and render cladding with cedar panels; replacement of windows with identical UPVC units in black; replacement of existing aluminium front doors with similar doors finished in black.

The application was referred to the Committee because the applicant is the spouse of a senior manager within the Planning Department. The application has not been formally called in and no objections have been received.

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

James Ryan, Senior Planning Officer, attended to present the report and assist the Committee. He gave an overview of the application for external works to the property which was located in the Hythe Conservation Area and in proximity to a listed building. The Officer's view was that this application would improve a tired building and was

mindful of the listed building.

The Committee discussed the application, with views given by some members that the proposal represented a retrograde step that would likely detract from the character of the area. The Committee expressed the view that the decision should be deferred and the applicant asked to seek design options which would fit better with the character of the area and its industrial heritage.

RESOLVED that the application be deferred (FIVE votes FOR, THREE votes AGAINST) to allow for negotiations to be carried out with the applicant in order to achieve a more sympathetic aesthetic design for the windows and cladding to reflect the character of the Hythe Conservation Area and surrounding buildings.