

# Planning Committee

Thursday, 25 May 2023

**Attendees:** Councillor Lyn Barton, Councillor Mike Hogg, Councillor Michael Lilley, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Sam McLean, Councillor Leigh Tate, Councillor Martyn Warnes  
**Apologies:** Councillor Robert Davidson  
**Substitutes:** Councillor Sara Naylor (for Councillor Robert Davidson)

## 991 Minutes of Previous Meeting

No minutes were submitted for approval at the meeting.

## 992 230031 Land between 7 & 15 Marlowe Way, Colchester

The Committee considered an application for the variation of condition 2 following grant of planning permission of application 212888 (daylight and sunlight report received). The application was referred to the Planning Committee as it had been called in by Councillor Buston who raised the following concerns:

1. Overdevelopment
2. Ignoring the planning conditions imposed on 212888 approved 21 April 2021
3. Development over a formerly publicly accessible Open Green space
4. The previous application for development on this site (210304) was refused on 10 September 21, citing, as reason for dismissal (inter alia): "1. The proposed three dwellings, by reason of their detailed design, form and scale (including being higher than the adjacent properties) would be out of keeping with and harmful to the character of the established street scene and surroundings." Thus that the current buildings have been erected on the site without reference to the plans approved in 212888, in particular the height of these buildings. Policies UR 2 and DP 1, and the (Borough) Council's adopted "Backland & Infill Development SPD, are in particular infringed.

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

Chris Harden, Senior Planning Officer presented the application to the Committee and assisted the Committee in its deliberations. The Committee were shown the site plan and heard that the changes to the proposal since the last meeting were as follows:

Plot 1 had been reduced in height by 0.4m with chimneys being placed either end to reduce emphasis on a flat roofed section created by truncating the roof pitch.

The Committee were shown the updated street scene as previously approved and as updated following the amendments made to Plot 1. It was noted that Plot 1 would now be 0.3m taller than the existing neighbouring property. It was noted that only Plot 1

had been amended since the deferral and confirmed that the distance between Plot 1 and the existing properties, the height of the kitchens and the heights of Plots 2 & 3 had not been amended. The Committee heard that a further 11 letters of objection had been received which were listed in the amendment sheet which had been thoroughly reviewed. The Senior Planning Officer concluded by detailing that officers considered the proposal to be acceptable and that the recommendation was for approval.

The Chair clarified from the Senior Planning Officer that the developer had offered to lower the height of plot 1 that was before the Committee but that there were no other amendments to the plans before the Committee since its previous presentation.

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 was representing local residents and asked that the Committee refuse the application and that the developer was showing further contempt to residents by hiding the flat roofs with the chimneys. The proposed chimneys were described as exaggerating the dominance in the street scene and to neighbouring properties. The Committee heard that the developer was not taking responsibility for their mistakes and that the kitchens had been built higher than the approved plans had allowed. The speaker detailed that further representations had come forward from the resident's association and that the Council's Planning Department were disregarding these and not allowing Members of the Committee to view these. The speaker concluded by asking the Committee to have the roofs replaced.

Robert Pomery (Agent) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that dwellings had been built in the to the correct height under the original permission and conditions. The speaker detailed that the rear projections had been built too large and they were acceptable. The Committee heard that the Applicant acknowledged the upset and disappointment but detailed that the height of the dwellings was lawful and that the applicants did not think that the proposal was an improvement on the existing dwellings.

Councillor Roger Buston addressed the Committee as Ward Member for Prettygate. The Committee heard that the Committee were being asked to ignore the properties surrounding the site and that the changing of the designs was based on the inconvenience of the height and that this was motivated by profit. The Committee heard that planning law was not a subject that could be made up and that the arguments had already taken place regarding intention. It was noted that the de minimis and slab level issues of height would have become apparent even with the noted issues with the Ordinance Survey Maps. It was detailed that the proposal was contrary to policy DP15 and subsequent loss of amenity. The speaker concluded by asking the Committee to impose a demolition order and restore the area to its original state and questioned whether or why there was a Planning Committee and whether they would nod anything through.

At the request of the Chair the Senior Planning Officer responded that the removal of the dwellings would be excessive and that the Committee needed to consider the difference in height and that it was viewed that the street scene did relate to the wider area in a satisfactory way and that the kitchens had been built too tall but that they did

not have an adverse impact on residential amenity. It was confirmed that the report had been completed before all neighbour letters had been received but confirmed that they had been detailed in the Amendment Sheet and had been carefully considered by Officers. It was noted that the issues raised in the Amendment Sheet had been raised before and did not change the Officers view on the acceptability of the proposal. The Committee heard that the previous comments on the application had not been ignored and had been taken into account and confirmed that the application had not been brought in haste to the Committee as there had been 14 days of consultation. The Senior Planning Officer outlined that the developer had explained that they had made an honest mistake and that the changes were not considered to be de minimis and that was why it had been brought before the Committee. It was noted that sometimes there were errors within the Ordinance Survey maps, that the principle of development had already been agreed on the site, and that it was for the Committee to determine on the material planning reasons as detailed in the report.

The Chair described an Appeal case in Babergh District Council's area regarding identifiable harm to a street scene. Simon Cairns, Development Manager responded that he was aware of the case but confirmed that a difference in height did not automatically infer that harm had been caused by a proposal and that there were separate and specific considerations with regards to that application.

Members debated the application noting significant concern that only one of the dwellings was proposed to be altered in height whereas the previous resolution had asked for all three to be altered and queried why the developer was only amending one dwelling. The Senior Planning Officer detailed that officers had asked the developer to reduce all of them but that they could not force them to do so. It was noted that the developer had raised concerns regarding viability.

The debate concluded with a resolution that was proposed and seconded as follows:

That the application be deferred to seek amendments for the reduction in height for all 3 dwellings.

**RESOLVED (UNANIMOUSLY)** That the application be deferred to seek amendments for the reduction in height for all 3 dwellings.

**993**

**230959 Foundation House, 1 Long Wyre Street, Colchester**

The Committee considered an application for a poster to fit in window space of a retail unit. The application was referred to the Planning Committee as the applicant was Colchester City Council.

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

**RESOLVED (UNANIMOUSLY)** That the application be approved as detailed in the officer recommendation.

