

# **Planning Committee**

## **Thursday, 22 November 2018**

**Attendees:** Councillor Lyn Barton, Councillor Vic Flores, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Philip Oxford

**Substitutes:** Councillor Roger Buston (for Councillor Jackie Maclean), Councillor Adam Fox (for Councillor Chris Pearson)

**Also Present:**

### **638 Site Visits**

Councillors Barton, Flores, Hazell, Higgins, Jarvis, Liddy and Loveland attended the site visit.

### **639 Minutes**

There were no minutes for confirmation at this meeting.

### **640 180886 International House, Moss Road, Stanway, Colchester**

The Committee considered an outline planning application for the residential use of former car park to international house following change of use from B1a (offices) to C3 (dwellings) of international house (resubmission of planning permission 170259) at International House, Moss Road, Stanway, Colchester. The application had been referred to the Committee because it had been called in by Councillor Scott-Boutell. 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, Senior Planning Officer, presented the report and, Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Councillor Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She welcomed the Committee's visit to the site and explained that concerns had been expressed regarding the parking provision and whether this would lead to greater congestion and problems with deliveries. It was also considered that the area was unsuitable for residential development and there may be a negative impact on the residents of International House. As such she considered that it was in the public interest to bring the application to the Committee for determination.

The Senior Planning Officer confirmed that attempts had been made previously to refuse an application but the grounds for dismissal at appeal had now been fully addressed. This Appeal had determined that the parking provision was acceptable and also the impact on the residents of International House would not be significant. In response to a request for clarification of the total number of units to be delivered at the application site and International House, she confirmed that there would be a total of 26 units of accommodation with up to 31 car parking spaces. In addition the area was very sustainable and, as such, a lower number parking spaces could be found to be acceptable.

Members of the Committee referred to the status of the area not restricting the inclusion of residential development and that an application for residential development of the building located opposite International House was anticipated. Clarification was sought in relation to the reserved matters application and whether it would need to be brought back to the Committee for determination in order to ensure adequate provision in each unit would be made for opening windows, given the requirement on noise grounds for non-opening windows to the rear. Clarification was also sought in relation to the provision of cycle parking.

The Senior Planning Officer confirmed that the area was designated as a District Centre (CE2) which encouraged vibrancy and did not restrict residential development. She also commented that shops were located in the area which contributed to its sustainable nature. She further confirmed that a condition had been proposed to provide for cycle parking.

The Development Manager confirmed that the reserved matters application could be brought back to the Committee for determination but he advised that an additional informative to provide for opening windows should adequately secure the Committee's desired outcome.

*RESOLVED* (UNANIMOUSLY) that, subject to the addition of an informative requiring the provision of opening windows in each unit where appropriate, the application be approved subject to the conditions set out in the report and arrangements be made for the reserved matters application to be brought to the Committee for determination.

**641      180789 Land adjacent to Heath Lodge, 11 Heath Road, Colchester**

**Councillor Buston (by reason of his employers having acted on behalf of the executors of the estate which included the property the subject of the application) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination immediately after he had made representations as a visiting ward councillor.**

The Committee considered a planning application for the erection of one dwelling at land adjacent to Heath Lodge, 11 Heath Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Buston. 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, Senior Planning Officer, presented the report and, Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Julie Jones addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was speaking on behalf of her parents who lived at 9 Heath Road who considered they were most directly affected by the application. She explained that the plans did not reflect the true picture on the ground as the plot was a narrow strip of land. Her parents' property was only 10 metres away and the height of the proposed dwelling would be overbearing and would overlook their property. She was of the view that there would be a window which had not been mentioned in the planning officer's report and this latest development would mean that their property would be permanently overlooked on all four sides. She asked the Committee members to refuse the application.

Peter Le Grys addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the application had been the result of 2 ½ years of discussions with the planning officers and numerous amendments had been made to the design. His clients were conscious of the character and nature of the area and the original scheme had been amended to address comments made by the Civic Society. Care had been taken in relation to the positioning of windows in relation to neighbouring properties and he believed all the matters of concern expressed by the Council had been addressed.

Councillor Buston attended and, with the consent of the Chairman, addressed the Committee. He explained that he had called in the application at the request of several neighbours. He commented on the planning history of the site and that an application for the construction of three houses had previously been refused. Following the erection of two houses to the rear of the site it now seemed like a third dwelling was being squeezed onto the site. He was of the view that the planning history was quite complicated and the division of the site into separate plots had meant that neighbouring residents had found it difficult to know what was going on. As such neighbours were unclear whether conditions had been breached and were left with a perception that matters had been overlooked. He congratulated the case officer in her attention to addressing the concerns and confusion expressed by residents.

The Senior Planning Officer confirmed that comments by neighbours needed to be made

in relation to the application currently being considered. She explained that the proximity of the proposed dwelling was considered sufficiently distant from neighbouring properties, especially given the location of the access in between. She confirmed that the front facing windows looked out to the road, whilst the rear facing ones were bedroom windows and therefore not considered to be harmful. In terms of concerns regarding overlooking, the site was in an urban location and, as such, mutual overlooking was to be expected and was considered acceptable.

Members of the Committee acknowledged the confusion expressed by residents but commented that the previous refused application had been for three substantial dwellings and the current construction of two dwellings had left adequate space for a third. Comment was made on the growing need for housing in the borough and the considerable efforts made to design a cart-lodge type dwelling in-keeping with the original house. Reference was also made to the size of the site being adequate for the proposal and the screening which would be provided from the proposed planting on site. Clarification was sought in relation to comments about errors in drawings.

The Senior Planning Officer was not aware of the errors being referred to but confirmed that a condition would ensure the compliance of the development with approved drawings. She also clarified that the proposal included two roof lights in the side elevation which were not considered harmful to neighbouring properties.

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

#### **642 181794 St Augustine Mews, Colchester**

The Committee considered a planning application for the replacement of existing dilapidated brick wall along the rear of the car park with a timber fence and steel posts at St Augustine Mews, Colchester. The application had been referred to the Committee because it was contrary to the Communal Parking Courts section in the Essex Design Guide. 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, Senior Planning Officer, presented the report and, Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Sue Moodie addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She regretted she was unable to circulate photographs to the Committee members. She explained that she had received no consultation on the application despite living in a bungalow on the other side of the wall in question. She considered it to be a significant health and safety issue as the wall which had replaced the original had not been constructed properly. She explained that

seeds and trees had grown in the wall which had contributed to the wall becoming unsafe and falling over. She considered the area to be unsafe especially given the close proximity of a footpath and children playing nearby. She asked the Committee members to refuse the application on the grounds that she had not been consulted and voiced her opinion that it would be preferable for a wall to be constructed set further back.

Roy Holt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he was willing to work with the nearby residents to rectify the current situation fully. He considered the proposal to use steel posts and a wooden fence would be a much stronger solution than a brick wall. He also confirmed that the Highway Authority had not objected to the proposal.

The Senior Planning Officer referred to the health and safety concerns expressed by the residents and confirmed that it would be reasonable to propose an additional condition to provide for a kerb or barrier as an added level of protection for the fence to prevent its damage by vehicles. She also commented that consideration could be given to the use of wooden rather than steel kneelers as a cheaper option for residents who would be liable to cover the costs.

Members of the Committee whole-heartedly supported the proposal to provide for a kerb or barrier as added protection and on health and safety grounds in addition to the use of steel posts for the fence.

One member of the Committee speculated on the need for a restriction to be placed on cars parking in a forward direction towards the fence, in response to which the Development Manager, acknowledged the principle of the concern but advised that such a condition could not be adequately enforced.

*RESOLVED* (NINE voted FOR and ONE ABSTAINED) that, subject to an additional condition to require the provision of a protective safety barrier or kerb to prevent damage to the fence and to be approved by the Local Planning Authority, the application be approved subject to the conditions set out in the report.

**643      182421 Wood Cottage, Station Road, Wakes Colne, Colchester**

The Committee considered a planning application for the proposed single storey front and rear side extension plus cladding to existing building at Wood Cottage, Station Road, Wakes Colne, Colchester. The application had been referred to the Committee because the applicant was related to an employee of Colchester Borough 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 set out in the report.

