

**PLANNING COMMITTEE  
29 NOVEMBER 2012**

*Present :-* Councillor Theresa Higgins\* (Chairman)  
Councillors Nick Barlow\*, Nigel Chapman,  
Peter Chillingworth\*, Helen Chuah\*, John Elliott\*,  
Sonia Lewis, Cyril Liddy\*, Jon Manning, Philip Oxford  
and Laura Sykes\*

*Substitute Members :-* Councillor Michael Lilley for Councillor Stephen Ford  
Councillor Marcus Harrington  
for Councillor Jackie Maclean  
Councillor Peter Higgins for Councillor Nigel Offen

(\* Committee members who attended the formal site visit.)

**59. Minutes**

The minutes of the meeting held on 15 November 2012 were confirmed as a correct record.

**60. 121353 Land adjacent (south), Grange Road, Tiptree**

Consideration of this application was deferred. The Chairman confirmed that the application would be considered by the Committee at the meeting to be held on Thursday, 3 January 2013, when a larger room would be available to facilitate attendance at the meeting of those members of the public who wished to observe the proceedings.

**61. 121333 Mersea Court, High Street North, West Mersea**

The Committee considered an outline application for an extension to provide six additional flats; this application is a resubmission of planning application 120200. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Simon Osborn, Planning Officer, and Andrew Tyrrell, Planning Manager, attended to assist the Committee in its deliberations.

Andrew Lake, on behalf of objectors, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His objection to this application was in respect of overdevelopment of existing accommodation and the car parking provision. The number of car parking spaces to be provided varied according to how the facility was described:- sheltered accommodation, a block of flats, or a self-contained nursing home. In addition the car parking spaces proposed would be smaller than the standard size making it difficult for

elderly occupants to exit vehicles. No spaces were provided for disabled people. Some of the existing residents opposed the development on the grounds of loss of light, overbearing, out of character for the road, loss of courtyard spaces and insufficient parking. An increase in facilities should be proportional to the increase in residents which was not the case.

Mary Sparks, Chairman of Mersea Island Trust, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Trust was a charity providing warden assisted sheltered accommodation managed by volunteers. The self-contained flats were specifically constructed for the frail and elderly appropriate for the age group. Some modifications had been made in response to comments from neighbours. Currently there were just two cars amongst the fourteen residents; the rest used buggies. Five letters of objection from residents represented six of the fourteen existing residents. Light from the south would not be affected by the development. Parking on the road was not connected with Mersea Court. The Town Council supported the proposal which enabled more elderly people to remain in Mersea at no cost to the public purse.

Members of the Committee were of the opinion that the Trust provided a much needed facility which would be needed more in the coming years. This facility was near to shops in the town centre. It should be recognised that the demand for sheltered accommodation indicated an independent life. Some members considered that the car parking provision should be scaled up in proportion to the number of additional flats and others were concerned that the lack of parking provision would restrict the group who could occupy this facility because people were living longer and driving longer. The council's parking policy did not include this type of facility. There was a suggestion that the reserved matters should indicate which flats could and which could not have a car parking space. There was also a suggestion that there should be a covered, secure bicycle provision.

In addition there was also some concern regarding appropriate provision for disabled people and that storage and facilities for recharging mobility scooter batteries should be provided. There was a question on whether care homes required a percentage of disabled parking spaces. It was recognised that this was a private facility where the Trust was able to set their own entry rules, including the age of applicants, their state of health or ability to drive, and it was acknowledged that potential occupants could choose to accept or refuse a tenancy.

The planning officer referred to the parking bay sizes being at the minimum acceptable standard, which was not the preferred size. The current age of residents ranged from 74 to 95. It would be possible to request a covenant regarding the age of occupants and a unilateral undertaking to that effect. A unilateral undertaking could also be required to prohibit anyone going into the flats from having a car. The minimum age limit in Condition 9 had been included in information provided by the applicant. The facility was described as sheltered accommodation rather than a care home. The provision for mobility scooter spaces would need to be secured by condition rather than reserved matters, and clarification would need to be sought from the applicant on whether three buggy spaces could be provided. The council's parking standards included reference only to care homes and self-contained flats, there was no mention

of sheltered accommodation.

Members discussed the size of car parking bays. Whilst the standard size was preferred the space available would only allow six standard parking bays as opposed to seven smaller parking bays; seven parking bays was preferred for a development of this size. Reference was made to the current provision of fourteen bedrooms, two cars and four parking spaces; twenty bedrooms with seven parking spaces was considered to be proportionate and most likely to operate successfully.

The Planning Manager confirmed that in normal circumstances a covenant in tenancy agreements would be required to secure no parking between owner and tenant. However, it would not be possible to force the applicant to do so. It would be possible to defer consideration of the application for the applicant to indicate how up to six mobility scooter parking bays with charging facilities could be provided.

*RESOLVED* (TWO voted AGAINST, TWO ABSTAINED from voting) that –

- (a) Consideration of the application be deferred for negotiation on the provision of up to six mobility scooter parking bays.
- (b) Upon agreement of provision of mobility scooter parking bays, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet, together with an additional condition for the provision of mobility scooter parking bays and charging facilities.

## **62. 121334 Akhurst Court, Melrose Road, West Mersea**

The Committee considered an application for an extension to provide five additional flats, this application was a resubmission of application number 120198. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

## **63. 121763 33 Barrack Street, Colchester**

**Councillor P.Higgins (in respect of having visited both the applicant and the objector to discuss the application in his role as ward councillor prior to being nominated as a substitute member for this meeting) declared a pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(12) and left the meeting during its consideration and determination.**

The Committee considered an application for an extension to the side of an existing property to form an addition to the first floor residential unit. The Committee had before

it a report in which all information was set out.

Carl Allen, Planning Officer, attended to assist the Committee in its deliberations. He described the design of the area as mainly comprising terraced properties. He noted that there were not many properties with a flat above an access in the area generally, but there were two others nearby. He illustrated that there would be no loss of light to the kitchen window by virtue of its orientation. The proposed first floor window would have obscured glazing. He confirmed that slow moving vehicles would be using the driveway.

Mrs Lawrence, on behalf of Barrack Street residents, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She disagreed with the case officer's assertion that the proposal would not cast a shadow on the neighbouring kitchen window in the west wall. This design was not common in the area and inclusion of a drive-through access was out of character with the area. Previously there were two parking spaces with no parking for clients. This application proposed that six parking spaces be used by the office premises and vans would park on the public highway, even when the car park was empty. She enquired where cars would be parked during the building works. The new proposal would require additional parking. There has been a parking document on the website indicating that four vehicles would be parked along the back wall.

David Syrett addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. In his opinion the design was acceptable with no impact on neighbours or the street scene. He reassured the Committee that the right of way would be retained for nos. 29 to 31 Barrack Street. He believed that noise levels would not increase, nor would there be any increase in overlooking. He hoped the Committee would agree with the recommendation.

The planning officer explained that the first floor occupied the same area as the ground floor. He confirmed that the neighbour would experience no loss of light and the illustration of the line of the sun across the sky proved there would be no shadow. Four parking spaces were provided at the rear with no additional parking spaces. Vehicles would be off site during the day and would be parked off site. In response to members' queries he also confirmed that the neighbour's right of access through the vehicle access would be retained with a slightly reduced pathway, but the neighbour would still be able to walk through. It was also confirmed that the wall facing the neighbour was a solid wall built on the boundary.

Members of the Committee were aware that offices required a maximum number of parking spaces rather than a minimum number and that this scheme would comply with that policy, therefore there were no grounds on which to object. It was clear that the neighbour would not want a solid wall but there were no planning reasons on which to refuse the application.

*RESOLVED* (ONE ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report.

**64. Enforcement Report // Application no. 121353 Land adjacent (south), Grange Road, Tiptree**

Consideration of this application was deferred. The Chairman confirmed that the application would be considered by the Committee at the meeting to be held on Thursday, 3 January 2013, when a larger room would be available to facilitate attendance at the meeting of those members of the public who wished to observe the proceedings.