

PLANNING COMMITTEE
17 JANUARY 2013

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

Substitute Members :- Councillor Michael Lilley for Councillor Stephen Ford
Councillor Mary Blandon for Councillor Jon Manning

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

74. Minutes

The minutes of the meeting held on 29 November 2012 were confirmed as a correct record.

75. 121487 Garage court adjacent to 64 Stalin Road, Colchester

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of 14 existing garages and the erection of two four bedroom affordable housing units. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Carl Allen, Planning Officer, attended to assist the Committee in its deliberations.

A member of the Committee explained that local residents were concerned by the proposal. They did not want to lose use of the garages and no residents had yet formally accepted offers of alternative garages. The scheme would lead to more on street parking. The road was narrow and further on street parking would block the bus route and in particular create problems for buses turning into Roosevelt Way. This stretch of Stalin Road was also on a DVLA test route. The Planning Officer explained that the Highways Authority had visited the site and did not consider that the proposal would create any obstacle to the bus route.

Concern was also expressed by the Committee about the loss of the trees on either side of the entrance to the site. Whilst it was noted that neither of these could be retained it was suggested that an additional condition be added requiring the replacement of the trees in alternative location on the site.

RESOLVED that the application be approved with conditions and informatives as set out in the report together with an additional condition requiring the replacement of the trees that would be lost in an alternative location on the site (THIRTEEN voted FOR and ONE voted AGAINST)

76. 121483 Land adjacent to 9 Rosalind Close, Colchester.

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of 47 existing garages for the erection of three two bedroom affordable bungalows with associated parking and additional parking from residents. The Committee had before it a report in which all information was set out.

Peter Hill, Planning Officer, attended to assist the Committee in its deliberations.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. She explained that of the 38 dwellings on Rosalind Close, 19 were occupied by students. Students were unlikely to rent garages and student homes could have multiple cars. The issues raised by student occupation were not addressed in the report. This was a challenging area for parking and residents were concerned about the impact of the proposal on their ability to park informally. The net gain of three additional spaces would not match the need for parking spaces.

The Committee expressed concern about the quality of design in all the garage court schemes submitted by Estuary Housing Association contained on the Committee's agenda. The Committee also noted that the schemes made no contribution to public open space, but that this was balanced by the fact the schemes delivered 100% affordable housing.

It was explained that the Council's parking standards imposed no additional requirement for parking for student homes.

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

77. 121481 Garage court adjacent to 1 Affleck Road, Colchester.

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition for the existing ten garages for the erection of three affordable housing units. The Committee had before it

a report in which all information was set out.

Peter Hill, Planning Officer, and Vincent Pearce, Development Service Manager, attended to assist the Committee in its deliberations.

Mrs Cardy addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Whilst the need for affordable housing was appreciated, she expressed concern that the proposal would change the outlook to the rear of her property and overshadow her back garden. The proposed development would dominate her garden wall and obscure the view from her garden. Whilst there was an offer of an alternative garage in a relatively close location, this may not be convenient or easy to use. The loss of on road parking would lead to increased parking on Hawthorn Avenue. This could increase congestion on Hawthorn Avenue and reduce the visibility for road users at the junction of Affleck Road and Hawthorn Avenue. If the scheme were to be approved, conditions should be imposed limiting working hours to 8am to 5pm, with no works on Saturdays.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee to indicate there was strong local opposition to the proposal. There was an imbalance between the parking that was provided for new residents and the parking provision that existing residents were losing. In view of Mrs Cardy's representations, she could not agree with the statement in paragraph 14.1.1 that there was "no potential for material harm to the light, outlook or privacy of those properties." Concern was also expressed that by enclosing part of the path connecting Affleck Road with Parsonon Walk, the scheme could create areas where crime could potentially occur and therefore requested additional lighting on Parsonon Walk. The loss of parking would force cars on Hawthorn Avenue thereby causing an obstruction. She reiterated the request that restrictions on hours of work should the application be approved.

The Committee discussed the addition of conditions relating to lighting on Parsonon Way and hours of work. The Planning Officer explained that the demolition of the existing garages would lead to an overall improvement in security. As Parsonon Walk fell outside the area covered by the application and as the application did not materially worsen the position on the footpath, a condition to install additional lighting could not be justified. However, the Development Service Manager undertook to liaise with Colchester Borough Homes to see if lighting could be provided. It was noted that the standard hours of work informative was included as part of the permission.

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

78. 121485 Garage court off Mason Close, Colchester.

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of 34 garages for the

erection of two three bedroom and one two bedroom affordable housing units. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

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

Mr French addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that his property would be overlooked by the upstairs windows of the new dwellings. No visitor parking was proposed for the new development. The parking provision for existing residents was already poor and if on street parking was to increase this would hinder access to Mason Close by emergency vehicles.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee. Whilst she supported the policy to replace derelict garages with affordable housing, she explained that these garages were not derelict. They were valued by residents and were used by residents for cars or for general storage. Eldred Avenue was already swamped by parking. Residents had been advised by the Council that it would not reconfigure the existing parking outside the existing properties on Mason Close. Residents would be severely affected as they would lose garages but with no new provision for parking. If the development were to proceed, emergency vehicles would find it difficult to access Mason Close. If the Committee were minded to grant the application, conditions should be added to allow the existing parking spaces to be enlarged and reconfigured using the greensward and to allow the allocated parking spaces for 1- 3 Mason Close to be realigned to create a useable access to the gardens of 2 and 3 Mason Close. A condition to limit the working hours should also be added.

Members of the Committee expressed concern about the suitability of Mason Close for further development. Mason Close was narrow and difficult to access. The proposal would only exacerbate these problems. It was noted that the proposal did not meet parking standards as no visitor parking was provided.

It was explained that in terms of overlooking, the distances between the proposed dwellings and neighbouring properties complied with the Essex Design Guide. Pitched roofs were proposed for the car ports in order to alleviate the perception of overlooking. This had reduced the number of parking spaces that could be provided. However, the Planning Manager considered that there was sufficient space to create an additional car parking space to meet the requirement for visitor parking. The wider issues about access to Mason Close were outside the scope of this application and the turning area was of sufficient size for large emergency vehicles. There was no objection from the Highway Authority.

The Committee considered whether it should defer for a renegotiation to reduce the scale of the development. However, it was noted that the scheme complied with all relevant standards and could not therefore be classed as overdevelopment. However, the Committee considered that it should defer for negotiations to secure a visitor parking space. If negotiations were successful, a delegated approval subject to

conditions as set out in the report could be issued. If not, the application should be referred back to the Planning Committee for determination.

RESOLVED (THIRTEEN voted FOR and ONE voted AGAINST) that the application be deferred for negotiations to secure a visitor parking space. If negotiations were successful, a delegated approval subject to conditions and informatives as set out in the report to be issued. If not, the application to be referred back to the Planning Committee for determination.

79. 121486 Land adjacent to 20 Swan Grove, Chappel.

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of four garages for the erection of two three bedroom and one two bedroom affordable housing units. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

David Whybrow, Principal Planning Officer, and Andrew Tyrell, Planning Manager, attended to assist the Committee in its deliberations.

Ted Gittens addressed the Committee on behalf of residents of Swan Grove pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The need for affordable housing was accepted. There was already an under provision of parking and this scheme would only exacerbate the situation. Concern was also expressed about the impact of the scheme on neighbouring dwellings. The detached dwelling would only be 15 metres from the rear of 12 Swan Grove. This would give a perception of overlooking and an overbearing effect. The scheme would impact on the amenity of 20 Swan Grove by bringing parking and traffic noise closer to the property. The application would do nothing to resolve existing parking problems and would cause greater tensions with the community and should not be approved.

Members of the Committee expressed concern about a number of different elements of the application. It was noted that the Highways Authority had objected on parking and highways safety grounds. The parking problem was particularly acute in the evening. Taking into account the "unofficial" parking areas used by residents, the scheme would lead to a deficiency of at least four spaces. The amount of parking proposed for the new housing was less than that required by the Council's parking standards.

In addition, the lack of an open space contribution raised different issues in a rural ward. As little new housing was built, opportunities to receive section 106 contributions

towards open space were very limited. Therefore the local community was being denied an opportunity to gain a considerable contribution. Also, as the housing would not be reserved for use by local people but for general housing needs within the borough, there was no benefit to the local community. Concern was also expressed about the design of the new homes which were out of character with the rest of the estate. The proposed development would also close off the site and prevent any future development of the area to the south of the site. Whilst it was accepted this area was not allocated in the Local Plan it would be a suitable site to be developed as an exception site, particularly in view of possible changes to land use policies resulting from the National Planning Policy Framework.

The Principal Planning Officer and the Planning Manager explained that the site to the south of the application site had no land use allocation and was outside the village envelope. There were also other potential access routes to the site. It would not be appropriate to refuse the application based on speculative considerations about the future use of this site. Whilst the design of the properties was not of high standard, it was not unacceptable. Additionally, the Committee needed to consider the wider benefits to the residents of the Borough, not just impacts on the immediate locality. With regard to the Highway Authorities stance, the Planning Manager expressed some concerns with their reasoning and suggested that members may consider deferring the application to allow further exploration with Essex County Council officers.

A member of the Committee did explore a potential reason for refusal on the grounds of prematurity ahead of possible changes through Local Plan process but this was rejected on the basis of being unreasonable in view of the fact that the site is already on the defined village boundary.

The Committee were invited to consider deferring the application to seek further clarification of the views of the Highways Authority. However, the Committee considered that the opinion of the Highways Authority was clearly set out at paragraph 8.2 of the report

RESOLVED (ELEVEN voted FOR and THREE voted AGAINST) that the application be refused on the grounds of impact on parking and highway safety as set out in the objection by the Highway Authority at paragraph 8.2 of the report.

80. 121803 Pendleton, The Street, Great Tey.

Councillor Lewis (in respect of her knowledge of the applicant's agent) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the construction of a new two bedroom detached property. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Dr Jane Pearson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The main issue raised by the application was the impact on the conservation area. It was noted that the previous application had been refused by the Inspector because of the impact on conservation area. The new application did not improve matters. It was noted that the Parish Council objected to the application. She objected to the application on the grounds of scale, form and design. The proposed development would overlook and invade the privacy of their property, which was a listed building. It would also increase the risk of damage to their property. It would intensify parking on The Street. The application was contrary to policy and would harm the character of the neighbourhood.

Gordon Parker, agent for the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that the principle of the development had been accepted and called on the Planning Committee to show consistency of approach. On other applications the requirement for a protection zone each side of a new entrance of 3 metres to protect neighbours' amenity had not been imposed. Therefore there were no sustainable reasons for the refusal of the application.

The Principal Planning Officer explained that the recommendation on this application was consistent with the earlier decision. This form of access from The Street was not acceptable.. Whilst there may be ways to access the site through Garden Fields, he had consistently opposed this form of backland development. The Committee had to judge each case on its individual merits.

Members of the Committee expressed concern about the impact of the proposal on the neighbouring listed buildings and the conservation area. It was noted that the previous development which the inspector had refused at appeal was a bungalow. The proposed two storey building would be likely to have an even greater impact. The proposed access arrangement would have a detrimental impact on the amenity of Cob Cottage.

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

81. 121457 Moss Farm, Penlan Hall Lane, Fordham.

Councillor Chillingworth (in respect of his business relationship with the applicant) 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 or determination.

The Committee considered an application for listed building consent for a single storey garden room extension. The application had been deferred by the Planning Committee

at its meeting on 11 October 2012 in order to re-negotiate the size and design of the garden room. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

Lucy Mondon, Planning Officer, and Simon Cairns, Planning Project Manager, attended to assist the Committee in its deliberations.

Mr Richardson addressed the Committee pursuant to the provisions of Procedure Rule 8 in support of the application. He explained that he had acquired the property six years ago. Prior to that it had been a tied cottage and it was in a run down condition when it was acquired. The property had been completely renovated and the proposed garden room would be the final piece of the jigsaw and would enable residents to enjoy views of the countryside. He had taken on board the comments of the Committee at the previous meeting and the views of the conservation consultant who was now content with the proposal.

Members of the Committee sought some clarification of the views of the conservation consultant. The Planning Project Manager indicated that he believed that the consultant may have misdirected himself and failed to apply the correct test. The value of the building was still discernable. It remained listed and therefore the Committee had to apply the relevant statutory test. He believed that a substantial reduction in the size of the extension had not been secured and that substantial and material harm to the listed building would result.

Whilst members of the Committee noted the extensive work the applicant had undertaken to renovate and improve the condition of this property, the proposal did not overcome their concerns about the scale of the extension and its impact on the listed building. The other extensions to the property had the effect of “turning the building round” so that it was proposed that the garden room would be built on what was originally the front elevation of the building, but would now be perceived as the rear of the building which would appear incongruous and inappropriate.

RESOLVED (UNANIMOUSLY) that the application be refused for the reasons as set out in the report and an additional reason that the extension was proposed to be built on what was originally the front elevation of the building, but would now be perceived as the rear of the building because of the garden room addition, which would appear incongruous and inappropriate.