

# PLANNING COMMITTEE

## 19 JULY 2012

*Present :-* Councillor Theresa Higgins\* (Chairman)  
Councillors Nick Barlow\*, Peter Chillingworth\*,  
Helen Chuah\*, John Elliott\*, Stephen Ford,  
Sonia Lewis\*, Michael Lilley, Jackie Maclean,  
Jon Manning, Nigel Offen\* and Laura Sykes\*

*Substitute Member :-* Councillor Will Quince for Councillor Nigel Chapman

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

### 30. Minutes

The minutes of the meetings held on 23 May 2012 and 14 June 2012 were confirmed as a correct record.

### 31. 120584 Land adjacent to Rusty Tiles, Coggeshall Road, Dedham

The Committee considered an application for a proposed one and a half storey detached dwelling. The Committee had before it a report in which all information was set out, see also 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.

Simon Osborn, Planning Officer, attended to assist the Committee in its deliberations. He referred to the reasons for the application being before the Committee which included the three dormer windows, one of which would be obscured glazed and fixed. The other windows had the potential for overlooking into the garden of no. 58 Dedham Mead, but officers considered the overlooking was not unreasonable.

Ian Coates addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His two concerns were a privacy issue regarding his rear garden and on-street parking in Dedham Meade. He was concerned that his entertaining space along the rear of his property would be overlooked by the dormer windows. He had two parking spaces in front of his garages but when he has visitors they park on the road and if visitors to the new property do the same it would restrict the flow of traffic.

Mike Bowler addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application met all the relevant planning criteria including parking. The Highway Authority were content with the absence of a turning facility, and the site entrance was in the same position as in the previously approved scheme. In regard to the limited degree of potential overlooking from the dormer windows, he had been unaware that this was a problem to the neighbour because no objections had been raised on this issue. Some of the

dimensions and distances in this application were more favourable than the minimum in the Essex Design Guide, which sought to protect the first three metres from a house; beyond that distance the Essex Design Guide gave no protection. To prevent any overlooking into residential areas was impossible. The general position and orientation would not result any significant or unreasonable overlooking. Overlooking as a reason for refusal on this application would not be sustainable on appeal.

In response to queries raised by members of the Committee, the planning officer explained that a neighbour would need to report the replacement of an obscure glazed window by a clear glazed window to the council's enforcement team to get it rectified. He also confirmed that the borough council had no control over on-street parking.

Members of the Committee suggested that if the dwelling was rotated a few degrees so the dormer windows faced the garages the overlooking would not be problematic. The garden of the new dwelling was at the side which created difficulties in terms of judging the application against the Essex Design Guide. Whilst the neighbour's concerns were understood, in this context they were not considered to be serious enough to warrant a refusal. It was considered that highway and flooding issues were of no consequence.

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

### **32. 120846 Pearl Walk, Wivenhoe**

The Committee considered an application for the conversion of four commercial units into residential use, each of which would comprise a two-bedroomed ground floor apartment. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She made it clear that the additional comment set out on the Amendment Sheet was sent by email and had not been made by Councillor Ford. She also referred to late information being received on offers close to the asking price for one unit and she suggested that if the committee were minded to approve the application, the applicants be given a period of one month to continue negotiations in the hope that one unit would be sold for a commercial use. In the event that the negotiations were unsuccessful the application would be approved as submitted. She drew the committee's attention to the inclusion of one affordable housing unit in the application which would be provided on the Garrison because there was nowhere within the Cooks Shipyard site where an affordable unit could be located.

Kevin Read addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application because it did not comply with parking standards, commercial space would be lost and there was no private amenity space. The standard parking requirement for four dwellings would be nine spaces whereas only four spaces were provided. He was not in agreement that the

standard should be reduced. The Town Council had objected to the lack of any private amenity space which would be problematic in the event that residents used their frontage for tables, chairs, etc. as evidenced by similar issues nearby. Data evidence indicated there was an under-supply of commercial space and he wanted these units retained as such. He referred to comments by Wivenhoe Town Council as set out in the report.

Tony Middlebrook, Taylor Wimpey, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They had been marketing the units since June 2009; two units had been sold but no other interest had been shown. During the application period they had received a few cash offers for these units but they were unsubstantiated and there was now the possibility of leaving the site with the units remaining vacant. They had tried to widen the use of the units and they were still marketing them, hence this application. They were willing to provide one affordable housing unit on the Garrison and contributions towards community facilities and open space. He hoped that the committee would see that despite a robust marketing strategy the units remain unsold. In respect of current offers, he would be willing to work with officers to investigate those offers within a strict timetable.

In response the planning officer explained that there was no amenity area for the units because there was nowhere within the site to provide it and this was not uncommon where there was available public amenity space. The quay would provide some amenity space and the Cooks Shipyard development included an open space and play area. There was also the river frontage, public footpaths and more recently a large water meadow which had come into the Council's control as part of the Cooks Shipyard development. Communal bins would be stored within the parking area.

She also explained that the units had been marketed for three years, which was considerably beyond the usual 12-18 month marketing period. The applicant had done all that was requested of them. There was another building wholly allocated for commercial use and it was hoped that would be more successful. It had been established that the marketing strategy had been appropriate. She confirmed that there was current commercial interest in one of the units. In terms of providing affordable housing in Wivenhoe, the housing officer had confirmed that there were no other sites in Wivenhoe currently being developed by Taylor Wimpey so it could not be provided in Wivenhoe and the affordable housing officer had indicated that no housing association would be interested in these units for affordable housing.

Members of the Committee were very concerned that the four units could not comply with policy standards on parking and amenity space. They were also disappointed that the affordable housing unit offered could not be provided anywhere in Wivenhoe, neither could one of these units be used for an affordable housing unit. Members were in little doubt that once they became residential units they would never revert to commercial use in the future and if approved the development could signal open season to other developers to convert business units into flats.

In terms of marketing, the committee considered that this proposal could be premature because the marketing period had run concurrently with a difficult recession period. In

addition to that the units were offered as shells requiring some investment to finish the interiors before they could be used. Some members of the committee were not convinced that the units had been rigorously marketed. Although there was speculation that not all residential units on the Cooks Shipyard development had been sold or were under offer, the planning officer confirmed that that was the case. The current interest in one of the units should be explored and the offer of a deferral to allow negotiations to take place on this potential offer was supported. A deferral period would also provide an opportunity to look at other uses within the commercial use class. The committee noted that two units had been sold in the expectation that ultimately there would be six commercial units. Some members were minded to refuse outright or defer for a considerable period to see if any further offers were forthcoming.

The planning officer advised caution because the applicant had done everything required by the council. The Section 106 agreement set out the marketing strategy which had been on-going for three years. The marketing strategy and value of the units had been assessed by the economic officer who was satisfied at the value and marketing strategy. Whether the interest shown recently was serious was not yet known but financial particulars were being investigated by the applicant. A refusal on the grounds of prematurity would be difficult to defend on appeal.

The applicant had submitted an earlier application to extend the range of uses of the four units to a restaurant use. This application was refused following a significant number of objections by residents on the grounds of impact on their amenity.

It was confirmed that even if the four units were to secure approval for residential use the whole development would retain its mixed use status, albeit reduced, because there was another free standing building for commercial use on another phase of the development and no percentage had been assigned to the mixed use. The marketing strategy in the Section 106 agreement would not require amendment if there was a deferral for six months. To some extent the situation of commercial ground floor space with residential use above restricted the range of uses, but office use was included in the B1 use class and the units had been marketed as B1 light industry/office. Members were minded to defer the application for six months for a vigorous marketing campaign and to investigate the recent interest. The application to return to the committee at the end of the six month period.

*RESOLVED* (UNANIMOUSLY) that consideration of the application be deferred for six months to allow:-

- (a) the marketing of the units to continue, and
- (b) the recent offers to be fully investigated.

The application to be reported back to Committee.

### **33. Report for Information**

The Head of Environmental and Protective Services submitted a report for information

on a matter regarding a refused retrospective application and the subsequent demolition of two unauthorised dwellings.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

*RESOLVED* that the report be noted.