

Planning Committee

Thursday, 28 April 2016

Attendees: Councillor Peter Chillingworth (Group Spokesperson), Councillor Helen Chuah (Member), Councillor Jo Hayes (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Jackie Maclean (Member), Councillor Jon Manning (Chairman), Councillor Rosalind Scott (Group Spokesperson), Councillor Jessica Scott-Boutell (Deputy Chairman)

Substitutes: Councillor Tina Bourne (for Councillor Michael Lilley), Councillor John Elliott (for Councillor Patricia Moore)

307 Site Visits

Councillors Chillingworth, Chuah, Elliott, Hayes, Hazell, Jarvis, Manning, Scott and Scott-Boutell attended the site visits.

308 Minutes of the meeting on 17 March 2016

The minutes of the meeting held on 17 March 2016 were confirmed as a correct record.

309 Minutes of meeting on 31 March 2016

The minutes of the meeting held on 31 March 2016 were confirmed as a correct record.

310 160423 Hunters Rough, 18 Chitts Hill, Colchester

The Committee considered an application for the variation of condition 2 of planning permission 131538 to allow for provision of access to neighbouring field for maintenance purposes at Hunter's Rough, 18 Chitts Hill, Colchester. The application had been referred to the Committee because it was a major application with a linking agreement and objections had been received. The Committee had before it a report in which all the information was set out.

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

311 160262 Land to the rear of Lancaster Toyota, Axial Way, Colchester

The Committee considered an application for the erection of a foul drainage pumping station at land to the rear of Lancaster Toyota, Axial Way, Colchester. The application had been referred back to the Committee because Colchester Borough Council was the applicant and Councillor Goss had called it in. The Committee had before it a report in which all the 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.

James Ryan, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Robert Johnstone addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to paragraph 75 of the National Planning Policy Framework (NPPF) which provided for the protection and enhancement of public rights of way and access. However, he was concerned that the implementation of this national policy was not being adequately adhered to as he was aware of many dozens of rights of way in Colchester which were being neither protected nor enhanced as a consequence of development. The NPPF also went on to state that opportunities should be sought to create links to rights of way and he considered these opportunities were also not being taken. As examples he referred to Footpaths 27 West Bergholt, 69 Myland, 199 and 198 Colchester and 10, 13 and 14 Peldon.

The Principal Planning Officer explained that there were various provisions contained in the NPPF the merits and requirements of which needed to be weighed up in relation to each application under consideration. The Planning system also required use of conditions in order to make an application acceptable. As such, it may be considered unreasonable to seek significant improvements to public rights in respect of small scale applications.

Members of the Committee referred to the proposal within the application to divert the definitive footpath affected to a route closer to the field boundary and were of the view that this demonstrated an improvement to the current situation.

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

312 160021 19 Oxford Road, Colchester

The Committee considered an application for the construction of a detached garage to complement the existing property, access via Keble Close by making an opening in the existing red brick wall which is unsafe and requires rebuilding from ground level upwards at 19 Oxford Road, Colchester. The application had been referred to the Committee because Councillor Hardy had called it in. The Committee had before it a report and an amendment sheet in which all the 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, Planning Officer, presented the report and, together with the Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations. It was explained that paragraph 1.1 of the report had referred to the neighbouring garage owner as being of 21 Oxford Road and should have more correctly refer to 17 Oxford Road.

William Maltby addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was addressing the Committee on behalf of a number of residents of Keble Close, all of whom were opposed to the proposal. He did not consider that the design of the proposed garage would complement the dwelling it served due to the zinc rather than a slate roof. He did not consider it necessary for an opening to be made in the boundary wall, a side access already existed and there was therefore no need to use Keble Close for access. The unsafe condition of the wall had been caused following the recent building works to the house which had included the creation of an inspection hole in the wall. He questioned the length of time it would take for the replacement hornbeam trees to reach the height depicted in the architectural drawings and speculated about the use of the garage for one vehicle plus storage and the proposed parking arrangements for other vehicles in the applicant's ownership. He was of the view that the application had entirely failed to consider the needs of the neighbouring residents.

Ian Newman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that 19 Oxford Road had been in his ownership for two years during which time he had undertaken a full restoration of the property with a contemporary feel. The construction of a garage was to provide a secure location for a camper van as well as for storage. Consideration had been given to locating the garage to the front of the property but this option had been rejected due to location of a pine tree and the difficulties of reversing across the frontage and onto Oxford Road. A number of discussions had taken place with the Conservation Officer and the Tree Officer as a result of which suggestions had been made regarding the removal of lime trees to the rear and their replacement with hornbeams. Many of the comments made in response to the application were in relation to highway safety issues and the potential danger to school children in the vicinity. He referred to the comments of the Highway Authority which had disagreed with these concerns. He acknowledged that Oxford Road and Keble Close did become very busy at certain times of the day due to school children being dropped off and picked up but this was an existing parking problem not a planning issue.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. She referred to the location of the proposal within a Conservation Area and the need for an application to be treated in a different way because of this designation.

She voiced concerns regarding the removal of the rear wall of the house and its replacement with a zinc opening. She considered this to be creating a new style of development rather than a traditional style and was of the view that it impacted negatively on the street scene for the residents of Keble Close. She regretted that the redevelopment of the house had been given approval under delegated powers and did not consider that it had been appropriate for approval to be given for a design which was not in-keeping with the original style of the dwelling. She referred to the potential loss of four on street parking spaces since the closure of Joyce Brooks House. She questioned whether the Planning Officer's consideration had included visits to the location during the school term when the traffic situation was considerably different and regretted the comments of the Highway Authority which had not concluded that the proposal was unsafe.

The Planning Officer confirmed that the proposed replacement hornbeams were required to heavy set trees although they would take some years to reach maturity. The location of the pine tree at the front of the site in a Conservation Area afforded it protection equivalent to that if it were the subject of a Tree Preservation Order. She explained that the proposed garage would be of contemporary design to complement the contemporary rear aspect of the redeveloped house. This design provided for a low profile which would mean that the majority of the garage structure would not be visible from the public realm, whilst from Keble Close the timber framed door would be mainly visible. The applicant had indicated he did not wish to consider the construction of a garage at the front or side of the site and, as such, this was not an option for the Committee to consider. The Highway Authority's views on the proposal were largely in the context of Keble Close being a cul-de-sac where vehicle speeds were very low. The application did not include the loss of any on-street parking spaces whilst the parking relating problems which currently existed were a matter for the local parking enforcement service. She also confirmed that her consideration of the application had included visits at school drop off and pick up times and photos included in her presentation had been taken during school term times.

The Major Development and Projects Manager explained that the NPPF referred to Locally Listed Buildings as 'undesigned heritage assets' which would be accepted as material considerations in relation to planning applications but would carry less weight than statutory Listed Buildings. He explained that the contemporary refurbishment of 19 Oxford Road, although a very good example of a Victorian Villa, was not considered to have a negative impact and had no material impact on the wider Conservation Area. He considered the proposal to be fully acceptable and the use of zinc for the roof of the garage did not conflict with the appearance in the Conservation Area. Furthermore, the use of zinc had provided for a much lower roof profile than that which would be possible had a pitched slate roof been proposed. It was also explained that guidance in relation to the location of garages provided for their siting to the side or rear of the host dwelling and certainly set back from the frontage of a property.

A number of Committee members were concerned about the use of zinc and the impact of its appearance on the local street scene and were of the view that little seemed to have been done to consider the matter from the point of view of the neighbouring residents. However there was acknowledgement that these concerns did not constitute adequate reason to consider a refusal of the application.

Other members of the Committee referred to the extensive alterations to the rear of the property which had been permitted under delegated powers as well as the paving to the rear garden and the surfacing applied to the drive at the front of the property. A view was also expressed that the construction of the houses in Keble Close had considerably altered the locality from its original character whilst the option to create a garage with access from Keble Close could be considered understandable given the busy nature of Oxford Road. It was also acknowledged that the contemporary element to the proposal would complement the refurbishment to the rear of the house, even though it was not of a traditional design.

RESOLVED (EIGHT voted FOR, ONE voted AGAINST and TWO ABSTAINED) that the application be approved subject to the conditions set out in the report and the two additional conditions set out in the amendment sheet.

313 160379 Clarendon Way, Colchester

The Committee considered an application to remove / vary conditions 2 and 17 of planning permission 145356 (erection of 18 residential apartments, access and car parking) at Clarendon Way, Colchester. The application had been referred to the Committee because it was a major application and an objection had been received. The Committee had before it a report and an amendment sheet in which all the information was set out.

Mark Russell, Principal Planning Officer, presented the report and, together with the Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations. It was explained that paragraph 15.8 of the report should have more correctly stated 'There are no new windows proposed facing Bloyes Mews.' Discussions had also taken place with the applicant since the report had been written and agreement had been reached for the proposed balconies to the eastern elevations of flat numbers 8 and 13 to be replaced by Juliet balconies in order to prevent potential lateral overlooking. It was further clarified that the proposal included a planting scheme for the replacement of trees which had been removed during clearance work and the relaxation of parking standards to provide the approved number of spaces but of a smaller dimension, equal to the minimum possible.

Jon Crisp addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that his company had taken over the project from the original architects, following which they had sought minor

alterations to improve the layout including parking, windows and landscaping. He explained that the removal of a tree had been unfortunate but subsequent liaison with the Tree Officer had resulted in a landscape scheme which had met with approval from both parties. Recent discussions had been undertaken in relation to the removal of two balconies which he had been happy to accept in order to protect the amenity of neighbouring properties.

One member of the Committee referred to the removal by workmen of trees on site which had been identified for retention. These trees had been healthy but it now appeared to be accepted that there was insufficient space and light to sustain a replacement tree in this location. It was also considered that the layout of the scheme was overbearing for the residents of Bloyes Mews and the north facing windows would be subject to a further reduction in light levels.

Members of the Committee questioned whether the number of flats included in the proposal was to be reduced from that originally approved, voiced their considerable concern in relation to any reduction in parking space size in order to accommodate the number of spaces contained within the originally approved planning permission and indicated their view that further discussions needed to take place to find a more suitable solution in relation to parking provision and for replacement planting in all the locations where the trees had been removed.

A number of Committee members were of the view that no reduction in the number or size of parking spaces was justified and that the reinstatement of trees of an appropriate species should be sought.

The Principal Planning Officer confirmed that the 18 flats within the proposal remained as previously approved but due to a drafting error it had been found that it was not possible to accommodate the approved 24 parking spaces of the dimensions originally approved. It was likely that, if the originally approved dimension were used the spaces would need to reduce to 20. He further explained that in sustainable locations such as this one, the Committee had discretion to accept parking spaces of smaller dimensions.

RESOLVED (UNANIMOUSLY) that the application be deferred for further discussions with the applicant with a view to securing a more suitable solution to deliver parking provision in accordance with adopted dimensions and standards, a landscape scheme to include more suitable replacement planting in all locations where trees had been removed and consideration of the provision of charging points for low emission vehicles and a report on the outcome of these discussions be submitted to a future meeting of the Committee.

314 160605 New Potts Farm, Lower Road, Peldon

The Committee considered an application for a new grain store to store grain to four

metres at New Potts, Lower Road, Peldon, Colchester. The application had been referred to the Committee because the applicant is a Borough Councillor. The Committee had before it a report in which all the information was set out.

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