

Planning Committee

Thursday, 05 January 2017

Attendees: Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Rosalind Scott

Substitutes: Councillor Jessica Scott-Boutell (for Councillor Helen Chuah)

419 Site Visits

Councillors Barton, Hazell, Higgins, Jarvis, Liddy, Loveland, J. Maclean and J. Scott-Boutell attended the site visits.

420 Minutes of 17 November 2016

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

421 Minutes of 24 November 2016

The minutes of the meeting held on 24 November were confirmed as a correct record.

422 Minutes of 1 December 2016

The minutes of the meeting held on 1 December were confirmed as a correct record.

423 162467 Rowhedge Wharf, Former Rowhedge Port, Rowhedge

The Committee considered an application for the variation of condition 2 of application 144693 for revised plans and elevations to Plots 89-108 at Rowhedge Wharf, Former Rowhedge Port, Rowhedge. The application had been referred to the Committee because it was a major application and objections had been received. The Committee had before it a report and amendment sheet in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the Head of Commercial Services be authorised to approve the planning application subject to the signing of a linking agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the linking agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the

application, or otherwise to be authorised to complete the agreement to link this application to the legal agreement for application 144693, subject to the conditions set out in the report and the amendment sheet.

424 162969 West Stockwell Street, Colchester

Councillor Liddy (in respect of his Directorship of Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the removal or variation of condition 2 following grant of planning permission 161912 at West Stockwell Street, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Homes. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved and a new planning permission be issued under Section 73 of the Town and Country Planning Act 1990 subject to the same conditions as approved previously and the additional conditions set out in the report.

425 162647 23 Belle Vue Road, Wivenhoe

The Committee considered an application for a proposed rear extension and front garden landscaping works at 23 Belle Vue Road, Wivenhoe. The application had been referred to the Committee because it had been called in by Councillor Cory. 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.

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

426 162722 Southview, The Heath, Layer de la Haye, Colchester

The Committee considered an application a proposed garden pavilion at Southview, The Heath, Layer de la Haye, Colchester. The application had been referred to the Committee because the agent undertakes work for the Borough Council. 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.

427 162872 3 Egret Crescent, Colchester

The Committee considered an application for a single storey side infill extension (retrospective) at 3 Egret Crescent, Colchester. The application had been referred to the Committee because it had been called in by Councillor J. Young. 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.

Chris Harden, Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Liam Ryan, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the application was for a small infill extension to link the garage to the house which was similar to two extensions which had received planning approval in the neighbourhood. The extension had been sympathetically designed to improve the internal flow of the house. He considered allegations about the use of the house were not relevant to the application and he confirmed that he had worked with council officers to submit the application which complied with all necessary policies.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. She confirmed that she had called in the application due to the problematic history associated with the site and the previous attempts to create an 8 bedroom House in Multiple Occupation. She was disappointed that the application had been submitted after the work had commenced and considered it not usual for applications to be submitted retrospectively. As such, she was of the view that the application should not be considered to be entirely compliant with Council policies. She was concerned about the number of occupants likely to be residing at the dwelling as well as the applicant's commitment to create additional off road parking which had not materialised.

Councillor T. Young attended and, with the consent of the Chairman, addressed the Committee. He also voiced his disappointment regarding the retrospective nature of the application and the loss of amenity to the surrounding area due to the blocking off of the parking area to the front of the dwelling. He explained that local neighbours had considered that rules had been flouted by the applicant and asked the Committee to consider refusing the application in order to send a message that this practice should not be encouraged.

In response to comments raised, the Planning Officer explained that the applicant was permitted to convert the garage to a gym and to alter the inside of the dwelling without consent, existing parking provision for a four bedroom dwelling had not been reduced so existing parking problems were not exacerbated and the application was not for a House in Multiple Occupation (HMO) but, in any event, a conversion to a six bed HMO was

possible without consent. He also confirmed that permission was required only due to the four metre height of the extension and, whilst it was unfortunate that building work had continued, the applicant did have a right to apply retrospectively for permission.

Some members of the Committee were concerned about the similarity of the application drawings with those previously submitted for the HMO application and were of the view that the refusal of that previous application should be maintained on this occasion also. The accuracy of the drawings in terms of the front and rear surface treatments was also questioned in terms of the validity of the application.

Other members of the Committee, whilst sympathising with the views expressed by the visiting Councillors, not welcoming the retrospective nature of the application, were of the view that there was no material planning justification to refuse the application. Reference was also made to the suitability of the shingle surface applied to the front and rear of the property and the inability of the spaces at the front of the property to be used for car parking purposes as well as safety concerns in relation to some of the building works and the potential to refer the work for Buildings Regulations review.

The Planning Manager reminded the Committee members that the application was for an extension to the dwelling which they were required to consider entirely on its own merits. He confirmed that inconsistency of the existing surface treatment with the information contained in the application drawings was not a suitable ground for refusal of the application and explained to the Committee members that the risks associated with a decision to refuse the application were very high and he strongly advised the Committee members against this course or to consider invoking the Deferral and Recommendation Overturn Procedure if this course was likely.

RESOLVED (SIX voted FOR and FOUR voted AGAINST) that the application be approved subject to the conditions set out in the report.

428 162327 18 Gladstone Road, Colchester

The Committee considered an application proposed garage in location of existing car parking space (no change to highway access) at 18 Gladstone Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Feltham. 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.

Chris Harden, Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Mike Bowler addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site of

the garage building reflected the requirements of the Essex County Council Supplementary Planning Guidance and confirmed that it would be used for the sole use and enjoyment of the occupier of the dwelling. He was of the view that the garage was in-keeping with the street scene and the design had been considered acceptable by the Conservation Officer with no detriment to residential amenity. He welcomed the planning officer's recommendation for approval and hoped this would be acceptable to the Committee.

Councillor Feltham attended and, with the consent of the Chairman, addressed the Committee. She had called in the application in order to defend the Conservation Area on behalf of the local residents. She explained that Gladstone Road looked very similar today to when it was first designed in 1881 and that it was important to preserve its architectural merits. She was concerned that the garage building would stand out within the street scene because of its height and sought assurances that the conditions attached to any decision to approve the application, particularly in relation to archaeology, would be adhered to.

In response to comments raised, the Planning Officer explained that the height of the proposed garage was considered to be in-keeping with the street scene and that a lower height would create a shallower pitch which would have a more contemporary and undesirable appearance in this context. He acknowledged the importance of correct detail within a Conservation Area and confirmed that the necessary conditions would be applied to any approval.

RESOLVED (NINE voted FOR and ONE voted AGAINST) that the application be approved subject to the conditions set out in the report.