

Planning Committee

Thursday, 16 April 2015

- Attendees:** Councillor Peter Chillingworth (Group Spokesperson), Councillor Jackie Maclean (Member), Councillor Helen Chuah (Member), Councillor Theresa Higgins (Chairman), Councillor Jon Manning (Deputy Chairman), Councillor Laura Sykes (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Group Spokesperson), Councillor Jessica Scott-Boutell (Member)
- Substitutes:** Councillor Tim Young (for Councillor Julie Young)

146 Site Visits

The following members attended the formal site visit: Councillors Chillingworth, Chuah, Hazell, T. Higgins, Jarvis, Lilley, Maclean, Manning and Sykes.

147 Minutes of 19 March 2015

The minutes of the meeting held on 19 March 2015 were confirmed as a correct record.

148 150235 1-7 Winnock Almshouses, Military Road, Colchester

Councillor T. Higgins (in respect of her Trusteeship of the St Mary Magdalen Hospital Almshouses) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Sykes (in respect of her Trusteeship of the Rosemary Almshouses) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a planning application and request for listed building consent for the proposed demolition of seven existing almshouses and construction of ten new dwellings at 1-7 Winnock Road, Military Road, Colchester. The application had been referred to the Committee because an objection had been received. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the planning application and request for listed building consent be approved subject to the conditions set out in the report.

149 146566 Land south of Holmwood Farm, Brook Hall Road, Fingringhoe

The Committee considered an application for the change of use of lakes to recreational fishing and formation of a hard-standing car park at land south of Holmwood Farm, Brook Hall Road, Fingringhoe. The application had been referred to the Committee because it was classed as a major application on the basis of the site area and a number of applications had been received. 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.

150 143704 Rowhedge Business Park, Fingringhoe Road, Rowhedge

Councillor Lilley (by reason of his having expressed a prejudicial view on the application) declared an interest pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination immediately after he had made representations as a visiting ward councillor.

He had also withdrawn from participation in the visit to the location undertaken by the Committee members.

The Committee considered an application for the change of use of land to plant hire business at Rowhedge Business Park, Fingringhoe Road, Rowhedge, Colchester. The application had been referred to the Committee at the request of Councillor Lilley. 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 proposal upon the locality and the suitability of the proposal for the site.

Mark Russell, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. He provided details of recent correspondence from the Environment Agency regarding the arrangements for the washing down of vehicles on the site, in respect of which a proposed method had been submitted by the applicant. However, written confirmation of the scheme's acceptability to the Environment Agency was still awaited, and accordingly he suggested that the recommendation in the report could be amended such that the determination of the application be delegated to the Head of Professional Services, in accordance with the confirmed views of the Environment Agency.

Richard Keeble addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he had lived in the vicinity of the area of the application and of the applicant's existing unauthorised site for 20 years and he was concerned that the unauthorised operation had been continuing for three years despite complaints about noise, dust and pollution. He was of the view that the applicant should not be permitted to continue to operate

simply by moving the location of the site a few metres away. References to previous plant hire operations on the site of the application dated back over 20 years since which time the locality had significantly changed particularly in terms of the volume of traffic using the local road network. He referred to a recently approved development at Rowhedge Wharf which was also expected to generate a considerable number of additional vehicle movements. He was concerned about the conclusions reached by the Highway Authority, which considered the proposal acceptable, given access to the site was at the brow of a hill in a 60 mph zone and the proposal would involve the movement of very long vehicles and trailers.

Ben Elvin addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposals had been prepared following very detailed discussions to find a suitable site which would provide a settled and permanent base for the operation of the business. The applicant provided employment for up to 17 people and wanted to remain in the locality. Other alternative sites had been investigated but this had proved to be difficult and no others had proved to be suitable due to size restrictions or proximity of housing. The revised proposals had also enabled the access to be moved away from Rectory Road, such that the Highway Authority was of the view that the proposals were acceptable. In addition, he referred to the ecological assessments which had confirmed that no harm would result from the operation and welcomed the opportunity for the proposal to provide for conditions to be placed on the operation to address any issues relating to noise or light.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. He was of the view that the applicant had been trading illegally for a number of years and, as such, could not be trusted to adhere to any conditions which would be attached to a planning approval. He considered that the applicant was being given assistance to relocate his business and he was of the view that this was not appropriate in the light of existing problems with the business. He was very concerned about the washing down arrangements on the site, especially as there was no information as to where the vehicles and machinery had been working and what materials were therefore being transferred to the watercourses in the locality. He further considered that the determination of the application should be deferred in order to give more time for the outstanding information from the Environment Agency to be received and considered. He acknowledged that, if the business was to continue to operate, it would be better for it to be undertaken from an alternative site to the existing one, but he was of the view that if permission was granted for the proposed site, the monitoring arrangements required would lead to considerable work. Accordingly, should the application receive approval, he asked the Committee to consider the addition of conditions to address problems associated with bonfires and lighting on the site outside the hours of operation. In the event the application was refused he considered arrangements should be made for an eviction notice to be served on the existing site.

The Principal Planning Officer explained that the application had to be determined on its merits and the representations made regarding the business practices of the applicant

could not be considered material to the determination of the application. He confirmed that the Highway Authority had not objected to the proposals, problems relating to the burning of bonfires on site should properly be dealt with by means of Environmental Protection legislation and it would be possible to amend proposed Condition 11 in order to provide for further restrictions on lighting on site.

Members of the Committee were concerned about the potential environmental impact associated with the washing down of vehicles and machinery on site and considered details of the nature of the proposed method of washing down together with the final view of the Environment Agency on the matter to be important to their determination. Also, whilst acknowledging that the Highway Authority had not objected to the proposals, they speculated as to what had prompted this conclusion. Mention was also made of the possibility of granting a temporary permission for a period of two or three years.

Andrew Tyrrell, Planning Manager, confirmed that, for applications which included the costs of building works, it was not usually considered reasonable to grant permission for a temporary period. With regard to the background history, he explained that the ability of the Council to enforce individual conditions associated with a site which was appropriately authorised would be much enhanced compared to seeking to enforce such matters on an unauthorised site where the whole principle was unacceptable. He was aware from the enforcement history that the Highway Authority had undertaken detailed considerations of the locality in the course of its investigations into the existing site and, therefore, this was inevitably the case in respect of the proposed site. As such, he was of the view that the Highway Authority's conclusions in relation to the proposed site would be based on adequate knowledge of the area and the nature of the proposed operation. Whilst acknowledging that he was unaware of the precise nature of the Highway Authority's assessment in relation to the proposed site, he also confirmed that it had been usual practice for future traffic impacts to be considered by Essex County Council in terms of overall assessments on some of the cumulative impacts of the town centre sites. He also emphasised the requirement for planning applications to be determined in accordance with conditions 'on the ground' at the time of the decision. Finally, he confirmed the likelihood that the Environment Agency would seek to require the imposition of a condition providing for the prior approval in writing of a scheme for washing down facilities and that it would also be possible to include an additional condition to specify that the washing down scheme was in relation to the plant hire equipment on the site.

RESOLVED (UNANIMOUSLY) that the application be deferred for further consideration by the Committee at a future meeting to enable details of the Environment Agency's views on the method for washing down of vehicles and machinery and further information on the assessment of the application by the Highway Authority to be made available.

Councillor Lilley (in respect of his membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the replacement of windows and rear doors to flats and replacement windows to communal areas at Flats 1-9, Bob Russell House, New Town Road, Colchester. The application had been referred to the Committee because the applicant was Colchester 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.

152 146530 58 Rosebery Avenue, Colchester

Councillor T. Higgins (in respect of her acquaintance with a resident in the locality of the application site) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for a proposed two storey extension with new detached garage on the rear boundary at 58 Rosebery Avenue, Colchester. The application had been referred to the Committee by Councillor Frame. 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 proposal upon the locality and the suitability of the proposal for the site.

Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations.

Michael Steinke addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he lived immediately adjacent to the application site and his decision to object had been a difficult one to make. His concerns were in relation to the garage element of the application and its proposed location to the rear of the plot. He considered the garage to be poorly placed, out of character with others in the street and, as such, to be contrary to the Council's Design Guidelines. He explained that existing garages in the street were located in closer proximity to the frontage of the plots, he considered the poor design of the garage to be contrary to the principles contained in the National Planning Policy Framework and he was concerned that it would set an unfavourable precedent in the neighbourhood. He requested the Committee to refuse the current application but to look favourably on a proposal for a garage closer to the applicant's house.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He was also concerned about the garage element of the application. He considered the proposed dimensions were excessively large and not well designed and the proposed location would result in a very long driveway to the rear of the garden. He

considered there was potential for the garage to be used as a workshop which would impact negatively on neighbouring residents in terms of the enjoyment of their gardens. He was of the view the garage should be located nearer to the applicant's house so that a smaller area of the garden would be lost. He requested the Committee to refuse the garage element of the application or for a condition to be added to prevent its use as a workshop.

The Planning Officer explained that any workshop related use of a garage would be permitted so long as it did not involve the operation of a business, it was difficult to argue against the principle of the garage and the potential driveway as it would be possible for the applicant to erect a slightly shorter garage in the garden of the plot under permitted development rights so long as it was two metres away from the boundary. He confirmed it would be acceptable to add an informative to any planning permission to confirm the requirement for a change of use permission if the use of the garage extended beyond for domestic purposes.

Members of the Committee, whilst acknowledging the views expressed by the objector, confirmed that they were required to determine the application on its merits and were of the view that there were no grounds upon which they could refuse the application.

RESOLVED (TEN voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report and an additional informative confirming the requirement for a change of use application to be submitted if the use of the garage extended beyond for domestic purposes.