

# Planning Committee

Thursday, 11 June 2015

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

**Substitutes:** Councillor Roger Buston (for Councillor Patricia Moore)

## 168 Site Visits

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

## 169 Minutes of 27 May 2015

The minutes of the meeting held on 27 May 2015 were confirmed as a correct record.

## 170 Minutes of 28 May 2015

The minutes of the meeting held on 28 May 2015 were confirmed as a correct record subject to the following amendments:

(i) In minute 163 the declaration of interest made by Councillor Hayes to read '(in respect of her potential pre-determination of the matter) she declared an interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.'

(ii) In minute 164 the resolution to refer to 'future services cabling' rather than 'future broadband cabling'.

## 171 150583 Unit B1, Peartree Road, Stanway, Colchester

**Councillor Buston (by reason of a client of his company having a similar operation as the proposed application) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the change of use from existing A1 use to a mixed A1 and D2 use to form a Gymnasium at Unit B1, Peartree Road, Stanway, Colchester. The application had been referred to the Committee because it was classed as a Major application and had attracted objections. The Committee had before it a report and amendment sheet 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.

Russell Valler addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was the owner of Anytime Fitness which was situated in the vicinity of the application site. He questioned the viability of the proposed gymnasium given the current population of Stanway and he was of the view that, if approved it would de-stabilise the other existing gymnasiums in the area. He considered that it might also lead to closure of other businesses. He was also of the view that the proposal was for a budget style gymnasium which would attract younger customers which may lead to problems of relating to the mis-use of the parking area which had been experienced in the area previously. He referred to the numbers of people directly employed at his own gymnasium and was concerned that the proposal would involve the use of freelance workers.

The Planning Officer explained that issues relating to potential viability of a business, methods of trading and contracts of employment were not material considerations in planning terms and, in his view, were not matters which could be taken into account by the Committee.

Certain members of the Committee were of the view that the area was a busy mixed use area which had experienced parking problems in the past and, as such the car parking issue needed to be considered carefully. One member considered that the proposed 24 hour operation may have a detrimental impact on residents. Others Committee members considered the occupation of the unit was to be welcomed, the impact on the surrounding parking area was not likely to be significant as the peak use of the gymnasium would be in the evenings and there would be no detrimental impact on residents as the location was an existing mixed use commercial area with nearest residential dwellings situated some distance away.

In response to specific issues raised the Planning Officer confirmed the extent of the shared parking in the area and that the proposal complied with the Essex County Council parking standards for this type development which had been adopted as a Supplementary Planning Document by the Council. He also confirmed that Anytime Fitness currently operated on a 24 hour basis and that there was no residential development in the vicinity of the application site.

*RESOLVED* (TEN voted FOR and TWO ABSTAINED) that the planning application be

approved subject to the conditions set out in the report.

**172      150807 24 Elmstead Road, Colchester**

The Committee considered an application for the demolition of an existing conservatory and small lean-to extension and the construction of a two storey and ground floor extension to the rear of 24 Elmstead Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor T. 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 proposal upon the locality and the suitability of the proposal for the site.

Daniel Cameron, Planning Contributions Officer, presented the report and assisted the Committee in its deliberations.

Brian Griffiths addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained the background of his discussions with the applicants and how their consideration of the planning policies within the national framework had helped to bring about the proposed design. He referred to alternative options which had been rejected, including one possibility within permitted development principles which had been rejected as he considered it would be too overbearing for the neighbouring residents. He had sought to deliver a design which would be pleasing to look at as well not impacting significantly on the neighbours.

Councillor T Young attended and, with the consent of the Chairman, addressed the Committee. He referred to the comment in the officer's report about the proposal not being 'unacceptably overbearing' and was of the view that this implied that an element of overbearing did exist and that the use of the term 'unacceptable' indicated that the matter was a subjective one. He therefore considered that a judgement needed to be made in establishing the impact of overbearing on the neighbouring property. He also referred to the diagram in the report which illustrated the trajectory of the sun in relation to the alignment of the site. He asked the Committee to give the proposal careful consideration and to not just accept the officer's recommendation without regarding the impact on the adjacent property. He also asked that any mitigating factors be borne in mind which may make the proposal more acceptable.

The Planning Contributions Officer explained in detail how the tests in the Extend Your House Supplementary Planning Document had been applied in his consideration of the impact on neighbouring properties as well as the principles that had been used to conclude that the proposal could not be deemed to be unacceptably overbearing. He referred to the proposed condition to remove permitted development rights in relation to the later addition of windows to the side elevation and confirmed it would be possible to replace this with a condition providing for the later addition of windows to be only of obscured glazing. However he confirmed that amending the proposed condition would

leave the applicant free to add windows to the side elevation all be it if only for the improvement of lighting.

Members of the Committee confirmed that they welcomed the principle of Councillors calling-in applications for their consideration. Generally it was considered that the design of the proposal had been well thought through and included attempts to mitigate the impact on the neighbouring properties and the removal of permitted development rights in relation to the later addition of windows was preferable.

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

**173      150790 503a Ipswich Road, Colchester**

The Committee considered an application for the demolition of an existing single skin porch, erection of deeper porch to accommodate a ground floor wc and the erection of a garden room at 503a Ipswich Road Colchester. The application had been referred to the Committee because the applicant was the parent of an employee in the Planning Team. 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.