

Planning Committee

Thursday, 08 March 2018

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

Substitutes: Councillor Lee Scordis (for Councillor Chris Pearson)

Also Present:

557 Site Visits

Councillors Barton, Chuah, Hazell, Higgins, Jarvis, Liddy, Loveland and J. Maclean attended the site visit.

558 Minutes of 15 February 2018

The minutes of the meeting held on 15 February 2018 were confirmed as a correct record, subject to the deletion to the words 'on behalf of Wivenhoe Town Council' in the third paragraph of Minute No 555.

559 173119 Ranges Service Station, 154 Mersea Road, Colchester

The Committee considered a planning application for a mixed use development comprising an extension of the forecourt shop, reorientation of the drive-through hand car wash and an additional storey at first floor level to house two residential flats with associated car parking at the Ranges Service Station, 154 Mersea Road, Colchester. The application had been referred to the Planning Committee because it had been called in by Councillor Harris. The Committee had before it a report and an amendment sheet in which all 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 Simon Cairns, Major Developments and Planning Projects Manager, assisted the Committee in its deliberations.

Kevin Bridge addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that his parents had lived at the neighbouring property for 50 years and were keen for the site to

be improved. They had objections to the proposed height of the development and they considered it to be ugly and overbearing and would lead to loss of light to their garden and house. He commented that no light assessment had been carried out. He did not consider that the development would bring anything positive to the neighbourhood. His parents were particularly concerned about the proposed removal of the concrete kerb which ran along the boundary to their property and had prevented a previous problem of vehicles colliding with and damaging their wall. He did not consider the suggestion to replace the kerb with a metal barrier was sufficient. His parents were also concerned about the proposed changes to the car parking provision which would mean more cars would park close to their boundary, the access provisions to the forecourt area which they considered to be hazardous, the ability to view the road safely when exiting the site and the proposed residential provision which was likely to have a negative impact on the quality of life of the residents.

Kate Kerrigan addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She welcomed the report and the recommendation from officers. She explained that the site was accessible, sustainable, well supported by the community and the proposal was in line with local policy. The development would increase the retail provision and address the need for investment in the site. The proposals would re-orientate the flow of vehicles on the site to allow cars to more easily access the car wash and would regularise the car parking provision in accordance with current standards. The application had been subject to a number of alterations as a result of discussions with officers and the applicant had been open to suggestions to modify the development. Such changes had included the reduction in the height of the ridge and the positioning of the development eight metres from the boundary to the neighbouring property. She considered the development would have no impact on the street scene and would not be a dominant feature. She also confirmed that a crash barrier would be installed to replace the concrete kerbing to prevent damage to the neighbouring property.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He was attending the meeting as he had been asked to consider the proposals by local residents. He disagreed with the conclusions in the report as, in his view, the development would be overbearing in that the height of the proposed residential development would be too much for neighbours to bear. He was particularly concerned about the location of the development, just a few metres from an electricity pylon and below high voltage cables and he was concerned about the wellbeing of prospective residents of the flats. The proposals included the need for all windows to the flats to be non-opening due to air quality and noise issues whilst there were also other neighbouring residents in close proximity of the site. He questioned the arrangements for waste collection and the need for risk assessments to be undertaken in order to mitigate any fire safety issues. He referred to the concrete kerb which had been a very satisfactory solution to protect the neighbour's boundary and was of the view this needed to be retained whilst the suggested alternative solution needed to be discounted

due to its potential as a fire risk. He was concerned about negative impact of the proposed bi-directional traffic flow and the parking arrangements and the fact that the proposed extension would be located the full length of the neighbour's boundary.

Councillor Pearson attended and, with the consent of the Chairman, addressed the Committee. He sought clarification on the proposed conditions in relation to parking provisions and construction traffic and voiced his considerable concern regarding the very close proximity of new residential accommodation to the high voltage power cables. He considered the officer's report needed to have included information in relation to the potential damaging effects of exposure to electromagnetic fields and asked the Committee to consider the deferral of the application to enable more detailed information to be included in the Committee's determination of the application.

The Planning Officer responded to questions by confirming that noise and disturbance issues were not considered to be significant. He considered the proposed forecourt layout may bring improvements to the current situation as it would mean fewer vehicle movements adjacent to the neighbouring boundary. The hours of use were to be as currently in operation and no objection had been submitted by Environmental Protection in relation to the high voltage cables, noise and air quality. Further, the development was not considered to be overbearing as it was sufficiently distant from the neighbouring premises that it would have no negative impact. In terms of the proximity of the electricity pylon and cables, UK Power Networks had indicated its satisfaction that the proposed distances were satisfactory and, as such, there would be no grounds upon which to refuse the application. The proposed alternative to the concrete kerb was considered to be satisfactory as the proposed traffic flow on the forecourt would mean vehicle movements would be away from the boundary. The proposed conditions included a requirement for a Building Works management Plan which addressed construction work and traffic issues. In addition, he suggested that a further reference be included to provide for consultation with the Fire Authority regarding the construction phase and any potential for hazards.

Members of the Committee sympathised with the concerns of the neighbours, particularly in relation to the impact on the property and garden and the proximity of the electricity cables. In addition, concern was expressed about the proposal to replace the concrete kerb, particularly if this was planned to take place prior to the completion of the works on site. Requests were also made for parking provision to include a stipulation that vehicles were forward parked to ensure exhaust fumes were directed away from the neighbour's premises. Clarification was also sought in terms of the continued operation of the site during the construction phase of the development as well as the potential fire risks associated with the construction activity, bearing in mind the acknowledged poor condition of the petrol tanks at the site and, as a consequence, the need for an enhanced Construction Method Statement. Further information was also sought in relation to the dangers of exposure to electromagnetic fields.

The Major Developments and Planning Projects Manager explained that there were

currently no grounds on which to refuse a planning application on the basis of its proximity to overhead cables. In addition Environmental Protection had advised that electromagnetic fields posed no danger to human health and well-being, as such, any refusal of the application on these grounds would be considered unreasonable.

The Planning Officer further confirmed that the proposed conditions included the submission of a Construction Method Statement which would usually take place prior to commencement of the works.

The Major Developments and Planning Projects Manager acknowledged Councillors concerns regarding the fire risks and confirmed that it would be possible to ensure that the Construction Method Statement included consultation with the Fire Authority together with a robust Health and Safety Risk Assessment to demonstrate there would be no risk of fire during the construction phase. Such a condition would be discharged by the Planning Authority only when it was considered to be entirely satisfactory, following advice and support from the Fire Authority. He therefore considered that the correct operation of the Construction Method Statement would provide more than adequate protection. In addition, he suggested the inclusion of a further informative or a modified Construction Method Statement condition requiring a full assessment of any fire risk and the mitigation measures proposed, including phasing of the development and any proposed trading from the site.

RESOLVED (SIX voted FOR, FOUR voted AGAINST) that the application be deferred and referred back to the Committee with full details of the Construction Method Statement, including a full risk assessment of any potential fire risk associated with the construction phase of the development bearing in mind the condition of the petrol tanks, the overhead electricity cables, proposed trading from the site and mitigation measures.

560 173058 Rowhedge Heritage Trust Hut, High Street, Rowhedge, Colchester

The Committee considered a planning application for to remove temporary building 'The Hut' and replace it with a permanent building including disabled access toilet and veranda at Rowhedge Heritage Trust Hut, High Street, Rowhedge, Colchester. A decision had been taken by officers to refer the application to the Planning Committee in the interests of transparency. The Committee had before it a report and an amendment sheet in which all information was set out.

Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. She explained that a late representation had been received from the owner of a nearby cafe confirming she did not object to the way the Hut was currently operated, other than if it included proposals to permit the sale of food and drink in accordance with Class A3 use. The Principal Planning Officer confirmed that the application did not include general A3 use.

Nick Baker, on behalf of Rowhedge Heritage Trust (RHT) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that the RHT were opposed to the proposal on the basis that it served a single interest group with no heritage function and there had been no consultation with the RHT. He referred to negotiations some years previously by the Parish Council in relation to a Section 106 Agreement and a covenant in the land transfer document in relation to the site and its use as a heritage centre. He referred to the previous use of the site by the RHT and was of the view that it was the efforts of the RHT which had led to the transfer of ownership of the site to the Parish Council, thus securing the site for the village. He did not consider that the site should be operated by a single interest group and advocated the Rowing Club join forces with the RHT in order to achieve both group's objectives.

Martin Hall, on behalf of the Rowhedge Coastal Rowing Club (RCRC) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the RHT had approached the RCRC to manage the building on the site and this had been done successfully for two years. He confirmed that no cooking of food took place on the premises. The building had become a community hub which was valued by residents. The proposed new building was not much bigger than the existing but it did incorporate a much needed toilet. He did not consider the development would have a negative impact on the environment. It was intended that a number of maritime artefacts would be displayed and the RCRC were very keen for the facility to be available for the community as whole. He referred to the village plan commissioned by the Parish Council which had confirmed that residents did not wish to see a significantly larger building on the site. The current operation included a limited provision of food which did not compete with the existing local café and the RCRC wished to make this arrangement a permanent one.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. He regretted the objection made by the RHT and referred to the difference of opinion in relation to the operation of the site had been ongoing for some 20 years. He welcomed the proposals submitted by the RCRC which was the fastest growing rowing club in the country. He considered that the RHT had been given time to make their operation of the building work and that it was now time to move forward with the RCRC's proposals. The current operation included limited serving of refreshments as well as a toilet facility and, as such, would be a great amenity for the whole of the village.

Councillor Fox attended and, with the consent of the Chairman, addressed the Committee. He welcomed the proposals from the RCRC which was currently making a success of operating the building. It was a thriving group involving local residents, including young people and volunteers. He welcomed the toilet provision which was also accessible for people with disabilities. He was of the view that the vast majority of residents supported the proposals and urged the Committee to approve the application.

The Principal Planning Officer confirmed that the reference to a covenant and the use of the site was a private matter between the Parish Council and the previous property developer and, as such, was not a material consideration in planning terms. She also confirmed that access to the toilet would be available only when the building was in operation.

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

561 180185 Gilberd School, Brinkley Lane, Colchester

The Committee considered a planning application to remove condition 10 (requiring the sports hall to be used in connection with the Gilberd School only) of planning permission 170369 at the Gilberd School, Brinkley Lane, Colchester. The application had been referred to the Planning Committee because it was for the removal of a condition of a major planning permission where objections had been received. The Committee had before it a report in which all information was set out.

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

562 180152 Friars Farm, Daisy Green, Eight Ash Green, Colchester

The Committee considered a planning application for the erection of single dwelling at Friars Farm, Daisy Green, Eight Ash Green, Colchester. The application had been referred to the Committee because it had been called in by Councillor Barber. The Committee had before it a report and an amendment sheet in which all 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.

Benjy Firth, Planning Officer, presented the report and, together with Simon Cairns, Major Developments and Planning Projects Manager, assisted the Committee in its deliberations.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that consent for residential use of the barn had already been granted. The applicants had submitted an application for the construction of a basement and had been encouraged by the planning officers to apply for permission for the demolition of the barn and its replacement with a new dwelling. Given the views of the planning officers the applicants had anticipated that approval of the application would be straight forward and hadn't considered the possibility of the determination being delayed and additional costs incurred due to consideration by the Committee. He referred to concerns expressed about the position

of the proposed dwelling closer to the entrance of the site but considered there were many advantages to this arrangement. He asked the Committee to support the views of the officers and approve the application.

Councillor Willetts attended and, with the consent of the Chairman, addressed the Committee. He gave Councillor's Barber's apologies as he was unable to attend the meeting. He also wished the Committee members to be aware of that his spouse was Eight Ash Green Parish Council's lead on planning matters. He referred to the site being located beyond Eight Ash Green Defined Settlement Boundary, as such, was in the open countryside where development would not usually be permitted. He referred to the definition contained in the Class Q permitted development regulations which, he considered, did not include the demolition of agricultural buildings and replacement with new dwellings. He also referred to the previous planning application and subsequent appeal which was dismissed. He considered the full detail of the Inspector's report should have been made available to the Committee members, particularly in relation to dwellings greater than the Class Q criteria. He questioned the officer's recommendation for a much larger dwelling to be erected in a different location on the site, on the basis that it would be visually intrusive and was concerned this would set a precedent in relation to similar agricultural buildings. He considered that either the conversion of the barn should proceed or the Council's local policies in relation to residential development in the open countryside should be adhered to.

The Planning Officer confirmed that the Inspector's dismissal of the appeal had been on the basis of the large scale excavation associated with the proposed basement whilst the subsequent application had a significantly reduced basement size and, as such, would be very difficult to refuse. On that basis officers had therefore sought to secure improvements to the proposed design and use of the site, leading to the application currently being considered by the Committee. He also reminded the Committee members of the need to bear in mind the isolated location of the site and the proposed dwelling's detachment from other properties and, as such, his view that there would be no negative impact.

One member of the Committee was concerned about the proposed scale of development which he considered to be obtrusive, considering the site's location outside the settlement boundary. He was also concerned about the proposed height of the dwelling which he considered would cause harm. He was of the view that the proposal would be prominent and very obtrusive, considering the rural location which should be protected from development and the views of local residents and the Parish Council who objected to the application should be respected.

The Major Developments and Planning Projects Manager explained that there was an undetermined application for the conversion of the barn with basement, consideration of which needed to be put to one side in the determination of the current application. He suggested the Committee consider the character of the proposal compared to the

character of the dwelling permitted in accordance with Class Q, however, the Class Q permission had yet to be implemented which meant the site was not yet classed as having residential use. Advice had been given to the applicant by officers at the pre-application stage, which was without prejudice to the Committee's consideration. He considered the issue for the Committee was whether the proposal would result in material harm to the rural character of the location.

Other members of the Committee referred to the principle of residential development having been established on the site and that there would be no harm due to the remote location and the large size of nearby properties. Clarification was sought on the status of the field adjacent to the application site and whether granting of permission for the current application would lead to the adjacent site being vulnerable to development proposals.

The Planning Officer explained that the Class Q permission attached to the site the subject of the Committee's consideration set the site apart from the neighbouring field which remained in agricultural use.

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

563 180020 226 Axial Drive, Colchester

The Committee considered a planning application for the proposed alteration of windows at first floor level to French doors and balcony over bay windows at 226 Axial Drive, Colchester. The application had been referred to the Committee because the applicant was a Councillor. The Committee had before it a report in which all information was set out.

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

564 180016 18 Albany Crescent, West Bergholt, Colchester

The Committee considered a planning application for the erection of a two storey above an existing single side extension at 18 Albany Crescent, West Bergholt, Colchester. The application had been referred to the Committee because the applicant was a member of staff. The Committee had before it a report in which all information was set out.

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

565 Rowhedge Wharf - Change of use to the affordable housing plots at the Hills development

The Committee considered a report by the Assistant Director Policy and Corporate giving details of a request from Hills to change the housing plots allocated as affordable homes on their site at Rowhedge Wharf from plots 77/78 to plots 61/62.

RESOLVED (UNANIMOUSLY) that the request from Hills to change the housing plots allocated as affordable homes on their site at Rowhedge Wharf from plots 77/78 to plots 61/62 be approved.