

# Planning Committee

Thursday, 24 May 2018

**Attendees:** Councillor Lyn Barton, Councillor Vic Flores, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Chris Pearson

**Substitutes:** Councillor Gerard Oxford (for Councillor Philip Oxford)

**Also Present:**

## 583 Appointment of Chairman

Ian Vipond, Strategic Director of Policy and Place, conducted the meeting in order to provide for the appointment of a Chairman and Deputy Chairman.

The Committee was invited to appoint a Chairman for the Municipal Year. Councillor Higgins was nominated and seconded followed by Councillor Hazell who was nominated and seconded but, on being put to the vote, no majority could be reached on either of the nominees.

The Committee was invited to appoint a Deputy Chairman for the Municipal Year. Councillor Liddy was nominated and seconded but, on being put to the vote, no majority could be reached on the nominee.

The Committee was then invited to appoint a Chairman for this meeting only and Councillor Higgins was nominated and seconded. On being put to the vote no majority could be reached on the nominee.

Councillor Pearson raised a point of order in relation to the Council's Constitution and the provisions contained in the meeting procedure rules which stated that the Chair of a meeting should be a Councillor.

The Strategic Director of Policy and Place responded to Councillor Pearson's point of order by explaining that the opinion of the Monitoring Officer had been sought before the meeting and his advice had been that, in order to ensure that the Council's business could proceed, in the absence of a Councillor to conduct the meeting and so long as the Committee was quorate, an officer may act in the role of Chairman but with no capacity to take part in the decision making of the Committee.

Councillor Pearson sought clarification in relation to the source of the authority of an

officer to act in the role of Chairman, in response to which, the Strategic Director of Policy and Place confirmed that his authority derived from the Monitoring Officer. Accordingly, he invited the Committee to indicate its support for him to proceed on that basis.

Councillor Pearson was of the view that formal confirmation of an officer's authority to act in the role of Chairman needed to be sought direct from the Monitoring Officer himself. He therefore requested an adjournment of the meeting, which was duly seconded, to enable that clarification to be sought. On being put to the vote, no majority could be reached to adjourn the meeting and, accordingly, the Strategic Director of Policy and Place, confirmed his intention to proceed with the meeting so long as the meeting remained quorate.

Two members of the Committee indicated their support for the Committee meeting to continue, on the grounds that the Planning Committee business was not conducted along political lines. Councillor Pearson confirmed his disappointment that the meeting should proceed on this basis and stated his view that the chairing of a meeting by an officer would set a dangerous, undemocratic precedent which did not accord with the provisions of the Constitution which clearly stated that Councillors should chair the Council's meetings.

The Strategic Director of Policy and Place acknowledged that the circumstances of the meeting were not ideal, but he was of the view that the advice he had been given were clear and he therefore intended to proceed with the meeting. He further indicated that Councillors had been made aware of the Monitoring Officer's advice on this matter should it have transpired at the Council's Annual Meeting, the previous day and he invited individual Committee members to seek further clarification from the Monitoring Officer outside of the meeting should they wish to do so.

#### **584 Site Visits**

Councillors Barton, Hazell, Higgins, Jarvis, Liddy, Loveland and Maclean attended the site visits.

#### **585 Minutes**

There were no minutes for confirmation at this meeting.

#### **586 180245 Garages, Willows Court, The Willows, Colchester**

The Committee considered a planning application to vary condition 2 of planning permission F/COL/02/1970 at Garages, Willows Court, The Willows, Colchester. The application had been referred to the Committee because it was a major application and

unresolved objections had been received. The Committee had before it a report 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.

Eleanor Moss, Planning Officer, presented the report and assisted the Committee in its deliberations.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He confirmed that he was supportive of the application but sought clarification regarding the proposed recycling arrangements for the site and that adequate storage facilities for recycling would be provided to residents. He also referred to an area which had previously been used for cycle storage and whether this could be reinstated as cycle storage.

Members of the Committee welcomed the application, particularly if this was an encouraging sign that the completion of the development may be coming to pass.

The Planning Officer confirmed that the reinstatement of the area formerly used as cycle storage would be for the land owner to determine but she had no knowledge of the ownership. In terms of an anticipated timely completion of the development which had first been commenced in 2002, she could not give any assurance but was hopeful that this current application was a positive indication of a desire to complete the scheme by the developer. She also explained that, in the interests of absolute clarity, it was her intention to amend the wording of Condition 2 to provide for the details of all the approved plans to be specified. She also confirmed that the roads within the development would remain un-adopted and, as such, road maintenance would be a matter for the developer and that a scheme would be provided for the collection of waste and recycling off site.

*RESOLVED* (NINE voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report and, in the interests of absolute clarity, with condition 2 being amended to provide for the details of all the approved plans being specified.

**587      180694 Units 6-7, Hawkins Road, Colchester**

The Committee considered a planning application for approval of reserved matters following outline approval 152493 (Erection of 37 apartments, 2 office units and associated layout, access and parking) at Units 6-7, Hawkins Road, Colchester. The application had been referred to the Committee because it was a major reserved matters development proposal, an objection has been received from a Councillor on parking/highway impact grounds whilst the recommendation of the case officer was for

approval. The Committee had before it a report and an amendment sheet in which all information was set out.

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

**588      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 Ranges Service Station, 154 Mersea Road, Colchester. The application had been referred to the Committee because it had been considered by the Planning Committee on 8 March 2018 and deferred to allow a Construction Method Statement to be submitted, consideration by the Health and Safety Executive and the Fire Authority and for an amendment to retain the protective Trief kerb on part of the Northern boundary of the site. The Committee had before it a report 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 Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations. The Planning Officer confirmed that negotiations with the developer had succeeded in ensuring that the existing Trief kerb would be retained. In addition, he explained that a change to Condition 10 was required in order to provide for newspapers to be included as well as fuel deliveries as exceptions from the opening/delivery hours restriction.

Kevin Bridge addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was addressing the Committee on behalf of his parents who lived adjacent to the site. He acknowledged that the safety concerns that he had made at the Committee's previous consideration had been further investigated and welcomed the news that agreement had been reached to the retention of the Trief wall. He emphasised that his parents remained concerned in relation to the parking of large vehicles at the boundary of the site, opposite the window to their kitchen. He also acknowledged that deliveries were permitted until 10:30pm but confirmed that his parents experienced disturbance from deliveries occurring after the hours of 10:00pm.

Paige Harris addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She referred to the application site's sustainable location, that the proposal complied with national and local planning policies, the need for the site to be modernised and receive investment and that the expansion of the site would allow for the business' continued use. During the course of the application process various elements had been amended in order to address

comments made by the officers, residents and the Committee and the developer had been happy to do this. A highly detailed Construction Method Statement had been submitted in response to a request made by the Committee members and this had confirmed that construction could proceed safely. In addition, in order to address additional concerns, it had been agreed that the Trief wall would be retained and the petrol station would be closed during the construction phase of the development.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He welcomed that additional work provided by the developer and the case officer since the application was first considered by the Committee. However, he remained of the view that the proposed height of the proposal would be overbearing for the neighbouring residents. He thanked the developers for agreeing to retain the Trief wall and sought clarification in relation to the restriction on occupation of the new residential units to employees of the petrol station business. He appealed to the developer to continue the dialogue which had taken place with the neighbouring residents on a regular basis throughout the construction phase to ensure that they would feel involved in the process and would have a point of contact if something of concern needed to be addressed. He remained concerned regarding the proximity of the high voltage cables to the new residential units, particularly noting the potential for the clearance beneath the cables to decrease during times of particularly hot weather.

The Planning Officer confirmed that the height of the new residential units and their distance from the neighbouring properties was considered to be sufficient to adequately reduce the impact on the neighbouring residents. He welcomed the support for the retention of the Trief wall and the outcome of the considerable discussions which had taken place. He confirmed that the restriction on the occupancy of the residential units would mean that when the business closes, the occupants would be required to vacate the units. He confirmed that there was already provision within the condition relating to the Management Plan for a 'good neighbour' newsletter to be issued.

One member of the Committee was concerned about the continued potential for unreasonable nuisance from parking adjacent to the boundary fence in the area intended to be allocated for residents parking and sought clarification as to whether any measures could be considered to address this issue.

Reference was also made by another Committee member to continued concerns in relation to electro-magnetic pollution, the need for deliveries other than fuel and newspapers to be made from as early as 6:00am, the ability to legally enforce a restriction on the occupancy of the residential units, the need for increased high voltage cable clearance distances at times of high temperatures and clarification regarding the reference by the Fire Authority to an Essex Act.

Other members of the Committee considered that the proposed new layout for the forecourt would adequately address perceived parking problems, particularly if

consideration could be given to the installation of folding parking posts. Early morning deliveries of food items such as bread, milk and sandwiches were considered to be essential to the success of the shop whilst the potential inclusion of an onsite bakery may lead to increased early morning nuisance issues for the neighbouring residents.

The Planning Manager explained that the Fire Authority is consulted at two stages of the planning and build process and the first occasion was in accordance with the provisions of the Essex Act. Acknowledging experiences from another petrol station site, he further suggested that an additional condition could be added to ensure any planning permission granted did not include an onsite bakery operating before opening hours.

The Planning Officer further explained that the risks associated with electro-magnetic processes had been referred to officers in the Council's Environmental Protection Team who had confirmed that they had no grounds upon which to object to the proposal. He considered that the restriction on the occupancy of the residential units could form part of a monitoring regime and he confirmed that the high voltage cable clearances had complied with the requirements identified from UK Power Networks modelling procedures. He also confirmed that the delivery hours proposed had been in operation at the site for a number of years and he was aware that any changes to restrict these further would cause difficulties with the successful operation of the business, particularly in relation to the sale of ancillary items from the petrol station shop.

*RESOLVED* (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report together with an amendment to condition 10 to provide for newspapers to be included as well as fuel deliveries as exceptions from the opening/delivery hours' restriction and additional conditions to exclude the provision of an onsite bakery and to provide for the installation of folding parking posts to the four proposed residential parking spaces.

**589      180572 21-27 South Street, Colchester**

**Councillor Liddy (by reason 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 a planning application for replacement of single-glazed timber windows with double-glazed UPVC windows at 21-27 South Street, Colchester. The application had been referred to the Committee because it was on behalf of Colchester Borough Homes. 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.

**590      180718 6 and 8 Northgate Street, Colchester**

**Councillor Liddy (by reason 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 a planning application for the replacement of single-glazed timber windows with double-glazed aluminium windows and to replace the front doors with hardwood alternatives at 6 and 8 Northgate Street, Colchester. The application had been referred to the Committee because it was on behalf of Colchester Borough Homes. 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.

**591      End of Year Planning Performance 2017 - 2018**

The Committee considered a report by the Assistant Director Policy and Corporate giving an overview of planning service performance for the Planning Committee. Performance was reported formally at the end of each year and the current report was for the fiscal year from April 2017 to March 2018, with some comparative figures for previous years given as reference points.

Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations. He explained that all of the Council's performance indicators had been met. A large volume of planning application decisions had been issued prior to, or on, their expected target deadlines and the speed of decision making had been consistently strong regardless of the scale of development. The Council had also met targets in terms of quality decision making, successfully defending its decisions against appeals determined by the independent Planning Inspectorate. There had also been fewer appeals against decisions, after a focus on better explanations around the issues that warranted refusal which had contributed to a significant increase in performance on appeals from the previous year. Additionally, there had been another increase in the formal enforcement actions taken during the year and a number of notices had been served, including stopping works in progress, and removing unauthorised development that was causing harm to neighbours or other residents, visitors or businesses.

Members of the Committee welcomed the information provided in the report.

*RESOLVED* (UNANIMOUSLY) that the performance of the Planning Service for the 2017/18 year be noted.

## **592      Summary of Appeal Decisions December 2017 – May 2018**

The Committee considered a report by the Assistant Director Policy and Corporate giving details of 12 recent appeal decisions which had been received between 1 December 2017 and 10 May 2018 for applications in the Borough, the intention being to enable the Committee members to remain up to date with outcomes, trends and changes so they could further understand how Inspectors were presiding over decisions. 10 of the appeals had been dismissed and two had been allowed.

Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations.

Members of the Committee welcomed the information provided in the report.

*RESOLVED* that the contents of the report be noted.