

Planning Committee

Thursday, 17 September 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 Dennis Willetts (for Councillor Patricia Moore)

204 Site Visits

The following members attended the formal site visit: Councillors Chillingworth, Chuah, Hayes, Hazell, Jarvis, Maclean, Manning, Scott, Scott-Boutell, Sykes and Willetts.

205 Minutes of 30 July 2015

The minutes of the meeting held on 31 July 2015 were confirmed as a correct record.

206 146486 and 150945 - Land at Stane Park, Stanway

Councillor Scott-Boutell (in respect of her attendance at a pre-application meeting) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Sykes (in respect of her work relating to the formation of the Stanway Village Plan and the Tollgate Vision Statement) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered two applications for the development of:

- one pub/restaurant (with ancillary residential accommodation) and two restaurant units, with associated car parking, landscaping and 'cart lodge' and
- one restaurant unit and two drive-thru restaurant / café units (which would also facilitate the consumption of food and drink on the premises) with associated car parking, landscaping, access and servicing

both on land at Stane Park, Stanway, Colchester. The applications had been referred to the Committee because they were major applications which were a departure from the

Adopted Local Plan and had prompted representations and local interest. The Committee had before it reports and an amendment sheet 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.

Vincent Pearce, Planning Projects Specialist, presented the report and, together with Karen Syrett, Place Strategy Manager, Simon Cairns, Major Developments and Projects Manager and Sarah Pullin, Acting Principal Planning Officer, assisted the Committee in its deliberations. He explained that the amendment sheet included a summary of the further comments received on the applications since the report was published, details of a Section 106 agreement offered by the applicant and further comments submitted by the applicant. In addition it was explained that, in view of the recent granting of licenses for the sale of alcohol had been granted by the Licensing Authority, the officer recommendation had been amended to remove as a reason for refusal adverse impact on residential amenity. The Major Development Manager also provided details of a further letter from the applicants pointing out what they considered to be inaccuracies in the reports.

Michelle Reynolds, on behalf of Colchester Retail Business Association addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. She explained that the site was predominantly identified as a Strategic Employment Zone but the applications went against this designation. The National Planning Policy Framework provided protection to town centres and she considered the Council should do the same. She felt the proposals would reduce the footfall in the town centre and, as such, would have a negative impact especially on the independent sector in the town which was the aspect which made Colchester stand out from other town centres. Colchester had already lost two eating places due to reduced footfall and she considered the free car parking provision out of town provided unfair competition. The proposals indicated the provision of 250 jobs but she queried whether these would be new jobs or ones likely to be dispersed from the town centre.

Stephen Clark addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He explained that he had been involved in commercial development in Colchester for 26 years and was proud of his association with the town and the Borough Council. The current applications were the first he had been associated with which had received officer recommendations for refusal. The site had a chequered history since 1995 and had been in his company's ownership for a period of five years during which time they had received no calls or enquiries in relation to a strategic employment designation. He considered there had been a number of examples of changes to employment land use designations and he was of the view that the loss of this parcel of land as an employment zone would not have a significant impact on the Council's land use policies. The proposals would also benefit the Stanway area as a whole as they would provide funding for infrastructure improvements. He questioned the continued allocation of the land for factory and industrial use given the close proximity of housing on the Wyvern Farm development

and he highlighted the significant level of support within the Stanway community for the schemes, the design of which had been informed by the Stanway Village Plan. The schemes would also address the isolation of the Wyvern Farm by the creation of bus links to the development.

Councillor F. Maclean attended and, with the consent of the Chairman, addressed the Committee. She explained that the schemes had received a high level of support within Stanway and she was of the view that the land was currently being wasted and needed to be put to a good use for the community. She was concerned about the high levels of congestion and access problems from London Road and, as a local resident, she had a clear preference for the provision of restaurants rather than businesses on the site. She welcomed the immediate creation of 140 jobs together with the highway improvements in the area. She acknowledged the concerns regarding the changing retail environment in the town centre but considered that efforts needed to be made to improve the town centre and the out of town retail locations and these schemes would bring options for people in terms of leisure and employment.

The Planning Projects Specialist explained that the schemes represented 21% of the total Strategic Employment land allocation at Stane Park but were projected to deliver only 8% of the predicted job opportunities originally forecast. He referred to the Council's strategy to build sustainable communities and the current underperformance in terms of salary levels. The parcel of land the subject of the applications had important locational attributes with easy access to the strategic road network. He also referred to the Tollgate Vision Statement which had been originally intended to bind landowners to a distribution of uses but this could not be achieved and the document was agreed as a Connectivity Statement.

The Acting Principal Planning Officer explained that the allocation of the site for strategic employment use had been undertaken in 2010 and, as such, was a relatively recent designation which needed to be given due time to come to fruition. She reiterated the requirement for the applications before the Committee to be determined in accordance with the Council's Local Plan and with the National Planning Policy Framework and she emphasised the importance of maintaining the employment status of the site given the very significant advantage of its convenient location adjacent to the A12. She also explained that the employment status was for higher end business users rather than factories and warehouses. She explained that there had been interest in the site from potential developers which indicated the strong likelihood of the envisaged employment use being delivered in due course. She did not therefore consider the current scheme merited any amendment to the current employment use designation.

Councillor Scott-Boutell explained that comments attributed to her about the application had actually been made by former Councillor Lesley Scott-Boutell and she confirmed that, although she had attended the pre-application meeting, she had not yet formed a view on the merits of the application.

Extensive discussion took place on the applications in relation to the following issues:

- Existing and future traffic congestion problems
- Local employment opportunities
- Diverse local restaurant provision
- Preferences stated by residents
- Impact on the town centre
- Quality of the proposed designs
- Car parking capacity
- Development in accordance with the Stanway Village Plan
- Potential benefits to local residents

In response to specific questions the Planning Projects Specialist, Place Strategy Manager, Major Developments and Projects Manager and Acting Principal Planning Officer jointly provided the following comments:

- The North Colchester area had the benefit of an extant planning application for leisure purposes with the intention of delivering balanced community uses;
- The potential to agree a land 'swap' in order to designate an alternative area of land for strategic employment purposes was not a viable option given the unique A12 access benefits of the Stane Park site;
- The Local Plan processes had provided an opportunity for developers to submit suggested sites for inclusion in the 'Call for Sites' exercise which would have provided an opportunity for the land use designation of the site at Stane Park to be considered;
- The site had been designated for employment use in 2010, before which it had been used for agricultural purposes for many years;
- The character of the town centre was changing due to challenges such as internet shopping and, as such, if the vitality and the importance of the town centre was to be maintained, now was not the right time to break long established town centre protection policies;
- It was important to recognise the need to view planning as a long term exercise;
- The proposals contained in the applications were not locationally dependent on the Stane Park site;
- The high quality attributes of the site should not be overlooked;
- Previous changes in policy to amend land use designations in Stanway had been agreed in order to assist local businesses;
- The Committee's statutory duty to determine the application in accordance with the Local Plan and the National Planning Policy Framework unless there were material considerations otherwise.

Some members of the Committee were of the view that the proposals would deliver the requirements identified by local residents and that the impact of the schemes would not be harmful to the town centre. They also speculated about the potential for an alternative area of land to be identified within the Local Plan processes for strategic employment purposes and considered the benefits to be delivered by the developer in terms of highway improvements to be of merit. The need for local leisure activities in the Stanway area was highlighted as well as the potential to deliver up to 240 jobs to the area in the

short term. Concern was also expressed about the impact of a business use scheme on the neighbouring residential development at Wyvern Farm. Reference was also made to the leisure based proposals at the Northern Gateway area of the town and whether the principles used to support the proposals there could be similarly applied in Stanway. Problems associated the existing traffic congestion were highlighted and the sustainable character of the proposal given the large number of local residents who would be able to visit the restaurants on foot.

Other members of the Committee were of the view that the merits of the proposal did not outweigh the requirement for the Local Plan policies to be supported. The site's accessibility to the A12 was considered to be vitally important in strategic employment use terms and its potential to deliver such a scheme had not yet been exhausted. Reference was made to the possibility of the developer using the Local Plan consultation procedures in order to seek a change in the site's land use designation and also the benefits to be gained in terms of the procurement of higher quality jobs when economic circumstances allowed. In addition, the proposal for a number of restaurants on the site was not considered to be the kind of economic growth envisaged for the area whilst the sustainability attributes of the proposals were disputed given the likelihood of customers travelling to the restaurants by car rather than on foot.

As the discussion suggested that the Committee may be minded to approve the applications contrary to the officer's recommendations in the reports, in accordance with the Committee's procedures in these circumstances, the Chairman invited the Committee to consider invoking the Deferral and Recommendation Overturn Procedure (DROP), bearing in mind the implications of such decisions as set out in the reports and further explained by Planning Officers.

RESOLVED (SIX voted FOR, FIVE voted AGAINST and ONE ABSTAINED) that the DROP be not invoked.

Accordingly, the Chairman then invited the Committee to determine the applications without deferral.

RESOLVED –

(i) In respect of application no 146486 (SEVEN voted FOR, THREE voted AGAINST and TWO ABSTAINED) that the application be refused for the reasons set out in the report and the amendment sheet

(ii) In respect of application no 150945 (SEVEN voted FOR, THREE voted AGAINST and TWO ABSTAINED) that the application be refused for the reasons set out in the report and the amendment sheet.

207 151540 37-41 Layer Road, Colchester

The Committee considered an application for the change of use to A2 financial and

professional services at 37-41 Layer Road, 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 the information was set out.

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

208 151672 Stanway Rectory, Church Lane, Stanway

Councillor Maclean (in respect of her ownership of the application site) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

The Committee considered an application for the demolition of outbuildings and construction of a single storey and a two storey extension (resubmission of application no 150746) at Stanway Rectory, Church Lane, Stanway. The application had been referred to the Committee because the applicant was related to a Councillor. 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.

209 Affordable Housing Contributions

The Committee considered a report by the Head of Commercial Services giving details of the current level of Affordable Housing Contributions received as well as future contributions secured within existing Section 106 agreements but not yet received by Colchester Borough Council. The report also outlined the proposed methods for spend to ensure maximum benefit was received by the Borough from the contributions.

Daniel Cameron, Planning Contributions Officer, presented the report and, together with Eddie Bacon, Affordable Housing Development Officer assisted the Committee in its deliberations.

Members of the Committee welcomed the information provided in the report and suggested that a further report giving details of numbers of affordable housing units delivered would also be beneficial.

RESOLVED that the contents of the report be noted and arrangements be made for details of the number of affordable housing units delivered to be presented to the Committee at a future meeting.