

# Planning Committee

Thursday, 28 April 2022

**Attendees:** Councillor Lyn Barton, Councillor Helen Chuah, Councillor Robert Davidson, Councillor Michael Lilley, Councillor Jackie Maclean  
**Apologies:** Councillor Pauline Hazell, Councillor Roger Mannion, Councillor Beverley Oxford, Councillor Martyn Warnes  
**Substitutes:** Councillor Derek Loveland (for Councillor Pauline Hazell), Councillor Gerard Oxford (for Councillor Beverley Oxford), Councillor Chris Pearson (for Councillor Martyn Warnes)

## 912 Minutes of Previous Meeting

The minutes of the meeting held on 31 March 2022 were confirmed as a correct record.

## 913 211392/ 393 Land at, The Folley, Layer-de-la-Haye, Colchester

The Committee considered two outline applications for residential development, including a Rural Exception site. The application was referred to the Committee as it was a major application with representations received raising material planning considerations and it was also a departure from the currently adopted Development Plan.

The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

James Ryan, Planning Manager (South), presented the report to the Committee and assisted the Committee with its deliberations.

Daniel Watts of the Tollgate Partnership Ltd addressed the Committee in support of the application pursuant to the provisions of Planning Committee Procedure Rule 8(3). This was a low density development with only 14 units per hectare. It was the result of consultation with the Parish Council and officers and had been brought forward because of his family's long association with the village. His father had been a long standing resident of the village and had wanted to provide housing specific to the parishes needs and officers had suggested that this could be met through a Rural Exception site. This would provide affordable housing in line with the borough's needs but would also give residents of the parish first refusal of the properties in perpetuity. The applicants wanted to ensure that the site was not overdeveloped and was open and accessible. The overall site would provide 34% affordable housing. Eight of the affordable units would be dedicated to Layer de la Haye in perpetuity. Financial contributions to the community and parks and recreation would also be provided together with a 10% increase in tree and canopy cover together with 10% biodiversity

net gain. There would be two access points but no through route through the development. Essex Highways raised no objection on highways issues. The development was also in line with the emerging Local Plan.

Councillor Ellis attended and with the consent of the Chair addressed the Committee. The plans for this application had been a long time in gestation and both he and Councillor Bentley had met the applicant and discussed the application with the Parish Council. The plans did not meet with universal approval in Layer de la Haye. The increase in the number of residents would increase traffic flows and the demands on the facilities and services in the village. It was noted that the site had been submitted for examination in section 2 of the Local Plan so development was likely to happen. On that basis the ward Councillors had worked with the Parish Council to mitigate the impact and ensure any benefits were reaped by the local community. The inclusion of a Rural Exception site was welcomed as it would provide affordable housing for residents of the village in perpetuity. There would also be a further 16 affordable units on the main site. These would be subject to a policy he was hoping to introduce for the borough known as "Communities that grow together, stay together". Affordable housing that ensured families could stay close together brought social, environmental and economic benefits and would allow people in Layer and its surrounding villages to remain close to their support networks. The development would be able to absorb all the current applicants on the Council's Housing Needs register in Layer de la Haye and the vast number of those registered in local villages. If successful, the policy would be rolled out across the whole borough. It would be beneficial if Salcott and Layer Marney could be added to the second tier of the cascade parishes.

In discussion, the Committee expressed its broad support for the proposal. The extensive package of planning gain was noted and the Committee particularly welcomed the allocation of housing to those with links to the local community. It supported the proposal that Salcott and Layer Marney be added to the second tier of cascade parishes. Some concerns were expressed about the density of the proposed development but the Planning Manager reassured the Committee that the proposed density of 14/15 dwellings per hectare was low for a new housing development. It was noted that design would be considered at the reserved matters stage, but that the design would be tenure blind.

The Committee also explored issues relating to the access arrangements and whether it would be preferable to have two access points off the Folley rather than using the existing estate network. The Planning Manager explained that these issues had been explored with the Highway Authority who were content with the proposed arrangements. The estate roads were wide and well-engineered. The inclusion of just one access off the Folley would help retain its character. The development linked into the existing footpaths and was permeable in terms of pedestrians.

**RESOLVED (UNANIMOUS)** that the application be approved subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal

agreement is not signed within 6 months, authority be delegated to the Assistant Director to refuse the application, or otherwise to be authorised to complete the agreement. The Permission also be subject to the conditions set out in the report and the Amendment Sheet, for which delegated authority was granted to add to and amend as necessary, together with the addition of Salcott and Layer Marney to the list of cascade villages for the letting agreement.

**914 212943 Land to the rear of 6-12 Villa Road, Stanway, Colchester, CO3 0RH**

The Committee considered an application for the erection of 3 commercial units (class E) and car parking. The application was referred to the Committee as it had been called in by Councillor Dundas, Councillor Scott-Boutell and Councillor Hagon for the reasons set out in the report.

The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

Nadine Calder, Principal Planning Officer, presented the report to the Committee and together with Simon Cairns, Development Manager, assisted the Committee with its deliberations.

Parish Councillor Dave Chambers of Stanway Parish Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8(3) in opposition to the application. He explained that the site was a Youth Garden and had been created by former Councillors Sykes with Stanway Parish Council. Over the years it had become a focus of anti-social behaviour and the Parish Council had removed the damaged equipment from the site to clean it up. The company which ran the shops in Villa Road had then requested permission to enlarge the car park and improve the remaining garden. The Parish Council supported this but had subsequently discovered they were not the owners of the land. The Parish Council opposed the application and it had been called in by all three ward Councillors. The Parish Council was not fundamentally opposed to development on the site but was concerned by the loss of plants and vegetation to maximise retail space. There was already sufficient retail space and housing development in Stanway.

Robert Pomery, agent for the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8(3) in support of the application. The route through the site from Villa Road to Tollgate East was not a public right of way. All the land on both sides of the site boundary was privately owned. On the Tollgate East side the owners had allowed access along a strip of land adjacent to the footway to Tollgate East and were content for this to continue for the foreseeable future. Whilst local Councillors seemed to be unaware of this, there was a sign on an adjacent building confirming the position. The proposal was not dependent in planning terms on there being a footway through the site. Its existence or otherwise was not a material planning consideration. The applicant could not deliver the route as not all of the land necessary was in his control so the application should not be made

dependent on maintaining the route. The applicant wished to make better use of some underused land which had been the subject of anti-social behaviour. The site would be better managed. There was no objection from statutory consultees or from neighbours and the application was policy compliant.

Councillor Scott-Boutell attended and with the consent of the Chair addressed the Committee. The footpath was created by Stanway Parish Council and received retrospective planning permission in 1991. Proposals to improve the area through a drought garden were put forward in 1992. As part of the landscaping agreement a path around the landscaped area was created. No application was ever made to change the use from a drought garden to a youth garden as it was believed that the Parish Council owned the land. The footpath was used heavily and was often congested, particularly at school run times. As the footpath was maintained by Stanway Parish Council there was no need for Essex County Council to create a footpath and take responsibility for this link. If the application were approved who would be responsible for the maintenance of this link and enforcement of the no cycling sign? Who would be liable in the event of an accident? Would the applicant provide a delineated footpath with new surfacing and drainage? Disabled bays should be provided in the existing car park. A litter bin in line with Council's new litter bin policy should be provided and the graffiti removed.

In response to the comments made by speakers, the Principal Planning Officer explained that whilst some trees would be removed there would be mitigation and overall 10% biodiversity net gain was anticipated. In terms of the footway, this was on private land and the applicant was under no obligation to provide it. It would be difficult to justify refusal on these grounds as the proposal would make better use of the site and would improve the footway. Issues relating to the maintenance of the footway were for the landowner. In respect of the suggestion that bays for disabled drivers be provided, if the car parking area was laid out bays for disabled drivers could be provided but this could reduce the number of spaces overall. An updated arboricultural report had been received and needed to be included as a condition in the final decision.

In discussion, the Committee noted that the footpath was heavily used and suggested that an informative be added to any decision asking the landowner to consider bequeathing the land to the Parish Council for use as a footpath. Confirmation was also sought as to whether there was a highways objection to the scheme, and the extent of the tree loss. Members of the Committee expressed support for the suggestions made in respect of the provision of a disabled parking bay and a litter bin.

The Principal Planning Officer explained that whilst some loss of trees was unavoidable there would be overall biodiversity net gain. The Development Manager explained that the policies on canopy cover in the Emerging Local Plan had outstanding objections so limited weight could be attached to them. There were conditions in place to address concerns relating to the canopy cover and a refusal on these grounds could not be sustained. The Principal Planning Officer confirmed that

there had been a highways objection on a previous scheme but this had now been resolved.

RESOLVED (UNANIMOUS) that the application be approved subject to the conditions and informatives set out in the report and Amendment Sheet together with:-

- the condition relating to approved plans and documents be amended to include the Arboricultural Impact Assessment;
- An informative to encourage the passing of ownership of the footway to Stanway Parish Council;
- The provision of a litter bin as part of the landscaping condition;
- An additional condition requiring the provision of a disabled parking bay.

**915 220717 North Station Road & North Hill, Colchester**

The Committee considered an application for advertisement consent for the replacement of the existing “fixing the link” flags with a small change to the design. The application had been referred to the Committee as Colchester Borough Council was the applicant.

The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

RESOLVED (UNANIMOUS) that the application for advertisement consent be approved subject to the conditions and informatives set out in the report and the Amendment Sheet.

**916 220148 land to the West of, Cross Cottages, Boxted, Colchester**

The Committee considered an application for the redevelopment of the site to create 7 new residential units. The application was referred to the Committee because the applicant was Colchester Amphora Homes Ltd on behalf of Colchester Borough Homes.

The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

Nadine Calder, Principal Planning Officer, presented the report to the Committee and together with Simon Cairns, Development Manager, assisted the Committee with its deliberations.

Parish Councillor Jonathan Hunt of Boxted Parish Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8(3) in opposition to the application. Boxted did not fundamentally oppose the provision of affordable housing but did oppose this particular application. The site had been developed as a garage site for Cross Cottages in the 1960s and had continued to serve that purpose at various times since. At present between 11-15 cars and work vans used the site. Whilst it was suggested that the proposal would provide policy compliant parking for Cross Cottages, Boxted was poorly served by public transport and any new residents of working age would require a car and therefore the minimum provision would not meet need. Vehicles using the site would be displaced to surrounding roads which would be in contravention of highways and local plan policies. There had been a failure to assess holistically the impact of this displacement on congestion and road safety. Issues about emergency vehicle access to Cross Cottages had been reported in the past and these would be exacerbated. Boxted Parish Council wanted to work with Colchester Borough Council to find a solution that suited all parties and to maintain the current parking amenity. Residents had found the process difficult and poorly communicated.

Rebecca Howard addressed the Committee pursuant to the provision of Planning Committee Procedure Rule 8(3) in support of the application. The application would provide seven high quality new homes available for social rent with priority for those with a local connection. They would include improved accessibility features. It was considered that it would result in a visual enhancement of the locality and would be a sympathetic addition to the street scene. Local residents and the Parish Council had been consulted and their views and concerns had been listened to. Amendments had been made to the layout, landscaping and car parking to address their concerns. A car parking displacement survey had been undertaken which had demonstrated that there were 27 spaces available on Dedham Road and at Cross Cottages with spaces still available at the times surveyed. Therefore the development would not create an adverse parking impact. Under the terms of the policy, two visitor parking spaces were required. However, eight would be provided. This over provision would help address the need from the informal arrangements in place. The proposal was wholly compliant with the development plan.

A written statement from Councillor Barber in opposition to the application was read to the Committee with the consent of the Chair. Whilst the merit in developing this brownfield site was recognised he shared the concerns raised by residents in respect of parking. Approximately 13-15 cars parked on the site daily and this helped alleviate parking issues elsewhere in the village. Whilst the development included a few extra visitor spaces it would lead to an overall net loss of eleven parking spaces. There was an existing issue on Dedham Road which was subject to an application that the Local Highway Panel was examining. There was also a risk that this would undermine the work being done to promote more sustainable transport to and from the primary school. As this was an application being brought by the Council, the Committee should be able to make its decision without the worry of an appeal.

Councillor Chapman attended and with the consent of the Chair addressed the

Committee. He had suggested that this land be made formally available for parking by residents in approximately 2009 and this had been agreed by Colchester Borough Homes. There had been some representations at the time that the land should be made available for development. The use of the site had gradually increased over time. The consultation with residents had not been undertaken in an empathetic way. Councillor Barber was working hard to find a solution to the parking issues which would probably involve parking in Dedham Road. It was appreciated that this was a difficult issue for the Planning Committee and that there may not be planning reasons to justify a refusal. However, any help the Planning Committee could give in resolving the issue would be appreciated. In the long term the Council needed to work with the Parish Council to look at better public transport and car parking solutions.

The Principal Planning Officer responded to the public speakers and explained that there were no garages on the site. The Council had allowed residents to park there on an informal basis. The land was private and the applicant had no obligation to provide car parking for Cross Cottages. Nevertheless, additional car parking spaces were provided in the scheme to help address the parking need of residents of Cross Cottages. However in planning terms it was not the developer's responsibility to provide a parking solution for Cross Cottages. The current use of the site was not an efficient use and generated no income for the Council. Whilst the point made about an appeal was noted, if the Council could not develop the land it may look to sell the land to a private developer, who may address the parking issues in a less sympathetic way.

In discussion, members of the Committee noted that there was no highways objection to the scheme. In response to the reference to the Local Highway Panel scheme referred to by Councillor Barber, the Principal Planning Officer explained the scheme was on the Local Highway Panel's list but it was complex and needed funding so there was no imminent prospect of the scheme being implemented.

The Committee expressed some concern about the potential impact of the displaced parking that could arise, particularly on emergency access, and explored what parking provision there was for Cross Cottages. The Principal Planning Officer explained that when they were built they would have been parking complaint at that time. However over time some had built extensions or had garages removed, although she did not have the current figures. However it was reiterated that Cross Cottages was not part of the application and issues around access to Cross Cottages was not a material planning consideration. Parking surveys had been conducted over the past two years and site visits made which had shown that approximately six cars were usually parked there, although it was appreciated that this could have increased recently. There was scope to increase car parking on the site by up to three spaces, but it would be at the expense of green space.

Members of the Committee also stressed the growing need for affordable housing in rural areas. Whilst the suggestion to increase parking at the expense of biodiversity was noted some members felt that this ran contrary to the Council's declaration of a

climate emergency. The Council also had a responsibility to make the most of its assets for the benefit of local residents. It was also noted that there were no objections from statutory consultees.

Members of the Committee also explored whether the design could be amended to incorporate more parking. The Development Manager explained that further investigation could be made into using the spaces between the buildings more efficiently. It was suggested that if it was so minded the Committee could grant delegated powers to examine this issue to create more parking, and to grant permission subject to the creation of two additional parking spaces. This would be a significant concession to local feeling on the parking issue. It was emphasised that what was proposed was exploring the use of the gaps between the buildings and not altering the proposed built form.

It was suggested by a member of the Committee that the application be deferred for further negotiations and brought back to the Committee but the consensus was that delegating the decision to officers would enable the issues to be dealt with satisfactorily, without the time involved in a further referral back to the Committee.

**RESOLVED** (SIX voted FOR, ONE voted AGAINST and ONE ABSTAINED from voting) that the application be approved subject to the conditions and informatives in the report and the Amendment Sheet subject to the delegation of powers to officers to seek revisions to the layout to deliver a further two visitor parking bays on site.