

PLANNING COMMITTEE

31 March 2022

<i>Present:-</i>	Councillors Davidson (Chair) , Barton, Chuah, Hagon, Lilley, Mannion, Maclean, G Oxford and Warnes
<i>Substitute Member:-</i>	Cllr Hagon Substituted for Councillor Hazell Councillor Gerard Oxford substituted for Councillor Beverly Oxford
<i>Also in Attendance:-</i>	Cllr Bentley Cllr Buston Cllr Chillingworth Cllr McCarthy

903. Minutes

The Minutes of the meetings held on the 3 February 2022 and 17 February 2022 were confirmed as a correct record.

904. 211878 228 Old London Road, Marks Tey

The Committee considered an application for the erection of a building for use as a builders' merchants (Sui Generis) and/ or B8 storage and distribution use, ancillary office space, provision of external yard for use associated with builders' merchants and /or B8 storage and distribution use, with associated access infrastructure and parking. Clearance of existing site and demolition of remaining buildings/ structures. The application was referred to the Planning Committee because of the Sui Generis nature of the application, the Parish Council's concerns and objections received.

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

Karen Syrett, Lead Officer Planning: Housing and Economic Growth, presented the report and assisted the Committee in its deliberations. A presentation was given outlining the location of the site as the former Andersons Timber yard and the land uses of interest in the surrounding area. The Committee heard that the existing buildings would be demolished, the proposed access arrangements to the site and the current commercial permission on the site for 24 hour use were outlined. The Committee heard about the details of the new use which included car parking, and a trade counter which would be ancillary to the main storage use. It was outlined that there was a proposed outside storage area that would be limited to 4.5 metres high and that there would be landscape enhancement on the site especially with the boundaries. The Lead Officer for Planning: Housing and Economic Growth concluded that the site was allocated in the Emerging Local Plan and was included in the adopted Neighbourhood Plan which had been recently confirmed at referendum, and that the officer recommendation was for approval as detailed in the committee report.

Gerald Wells addressed the Committee pursuant to the provisions of Planning Committee

Procedure Rule 8 in objection to the application. The Committee heard that the proposal would not be suitable for the traffic that would be generated from the site and asked the Committee to note that Old London Road was very narrow in places and that the pedestrian pathway was being used by vehicles and that there was still a direct access to the A12 from the former Andersons site. It was outlined that there were ongoing discussions with National Highways and the local MP but a response had yet to be received and that the development would make it more difficult to access the Village Hall. The speaker outlined that they would like to see further conditions on the access and the opening times on the site to protect residents and asked that the application be deferred.

James Firth (Agent) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that the application had been submitted separately to other applications in the area and outlined that the proposal was for employment purposes in an area that was in disrepair and would reduce the quantum of development on the site. The Agent asked Members of the Committee to take into account the current status of the site and that there had been no objection from National Highways and that the application was supported by the National Planning Policy Framework (NPPF) and the economic benefits that it secured. The speaker concluded that the scheme would provide mitigation measures for the development, that the appearance and landscape of the site would be improved and asked that the application be approved as detailed in the officer recommendation.

With the permission of the Chair, Councillor Kevin Bentley addressed the Committee. The Committee heard that the traffic surrounding the site had eased since the previous use ceased but that there were still outstanding issues with National Highways and that the application needed to be viewed as a whole alongside other developments in the area and how this would impact the road network. The visiting Councillor outlined that sustainable travel had not been looked into for the site and that a sustainable travel plan should be conditioned to encourage cycling, walking and sustainable travel to the site if possible. Councillor Bentley concluded by asking that the application be deferred to review the highways network and that an independent report should be required before any decision was made on the application.

At the request of the Chair, the Lead Officer Planning: Housing and Economic Growth responded to the points raised by the public speakers. The Committee heard that the fallback position was that if the proposal was not approved it would allow 24-hour use to resume but that the application before Members would allow the Council to control the hours of operation on the site and would allow members to add conditions or informative notes. It was noted in the officers recommendation that this was being undertaken with informative notes being added requiring the applicant to work with Highways England to close the access directly onto the A12. Although the proposed works to widen/realign the A12 were not near completion it would be unreasonable to defer the application on those grounds. It was noted that Essex County Council had not requested a Travel Plan but if Members were minded to approve the application then this could be conditioned. The Officer concluded by assuring Members that a thorough noise assessment had been conducted on the site.

Further information was sought from the Committee on the landscaping elements on the site, the pinch points that were present along Old London Road, and the sustainability of the proposal including electric car charging units.

The Lead Officer Planning: Housing and Economic Growth responded that the landscaping on the site was being increased from what was currently in existence and that HGV's were able to use Old London Road as this was allowed by National Highways but that the proposal

did enhance the sustainability of the site with the proposal being to a BREEAM standard. Two electric vehicle charging points were also included.

Questions were raised by Members of the Committee regarding signage for HGV's in and around the site to not use the direct A12 access and whether the hours of operation could be amended in the morning for a later start to protect residential amenity.

The Lead Officer Planning: Housing and Economic Growth reiterated that an informative could be added for access and signage on site but that the A12 access was outside the Committee's and Essex County Council's control. The Environmental Protection Officer commented that there would be vehicle movements (small trade vans) on site at 0630 and no HGV's but that this was overshadowed by the noise created by the A12 which was very noisy at 0630. The Officer confirmed that if Members were minded to approve the application then the hours of operation could be amended to start at 07:00.

Further information was sought by the Committee on whether any further measures could be undertaken on Old London or increase the number of electric vehicle charging points and whether Essex County Council could prevent access to their land and stop access onto the A12, and asked whether the site had ever been considered as a Local Plan Housing allocation.

The Lead Officer Planning: Housing and Economic Growth responded that a travel plan could be requested and that the A12 was National Highways and any associated signage or closures of the A12 were not in the remit of the Committee, the Council or Essex County Council to amend. The Officer confirmed that Planning conditions did carry more weight than informative notes but the latter allowed the Committee to influence external considerations that were not within the remit of the Council to condition.

Members were concerned that although National Highways had been consulted on the application nobody was present to answer the questions regarding the highways issues surrounding the application.

RESOLVED (BY FIVE VOTES FOR and THREE VOTES AGAINST with ONE ABSTENTION) that the application be approved subject to the conditions and informatives in the report and amendment sheet with the additional conditions as follows:

- Travel Plan
- Revised conditions in relation to SUDs
- Hours of operation (Conditions 12 and 13 Change from 06:30 to 07:00
- Informative: signage within the site to direct drivers to use Old London Road and not A12
- Advise landscape Officer to include hedging in amongst new tree planting and alongside dwelling.

905. 120380 The Maltings Student Accommodation, Hythe Quay, Colchester.

The Committee considered an application to seek a variation of the S106 contribution spend project that had been agreed for The Maltings student accommodation development. It was proposed to vary the agreement to allow the contribution to be used towards cycling and walking improvements in the area, better benefitting the accommodations residents.

The Committee had before it a report in which all information was set out.

The Transport and Sustainability Joint Lead presented the report and assisted the Committee in its deliberations. A presentation was given outlining the history of the proposal and the reasons why the request had been made to the Committee which would secure the bus travel contribution and reimburse the bus passes that students use. The Transport and Sustainability Joint Lead concluded by outlining the recommendation as detailed in the report.

A statement was read out by the Democratic Services Officer from Councillor Lee Scordis who was unable to attend the meeting. The Committee heard how the Councillor agreed with the design presented but that this would be without benefit if the flooding on Haven Road was not resolved. It was noted that there was a lack of footfall in the area despite the large population of students and that this was partially due to the flooding and the reputation the area had accrued and that residents would not use the area until the flooding was resolved so any money used on this scheme would be wasted. The Statement concluded that as the pedestrian crossing was not going to be installed due to flooding that this goes against a walking strategy and asked that the proposed money is put on hold until the Hythe Task force had been consulted regarding the money which could be used to resolve the flooding that was ruining the local economy of the area.

Further information was sought from the Committee on whether there had been any support for the Community Events that had been previously detailed in the S106 Agreement. The Officer responded that the application had been originally considered there had been the expectation of putting on events to try and help the student and local population mix but nothing had come forward that would meet the required CIL test. A further comment from the Committee queried whether the S106 monies could be used to resolve flooding issues in the area however it was noted that this was not possible due to the restrictions on what the S106 could be used for.

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

906. Application N.os 160103, 181281 and 1911414 Magdalen Street

The Committee considered an application for a proposed variation to the Section 106 agreed for the Host student accommodation development. It is proposed to vary the agreement to allow the contribution to be used towards cycling and walking improvements in the area, better benefitting the accommodation residents.

The Committee had before it a report in which all information was set out.

The Transport and Sustainability Joint Lead presented the report and assisted the Committee in their deliberations. A presentation was given outlining the history of the proposal and the reasons why the request had been made to the Committee to change how the funding was spent to enhance the bus routes and redirect funding to allow for more walking and cycling. The Transport and Sustainability Joint Lead concluded by outlining the recommendation as detailed in the report.

A statement was read out by the Democratic Services Officer from Councillor Lorcan Whitehead who was unable to attend the meeting. The Committee heard that there was recognition for a need for improved cycling and walking infrastructure but that there was also concern that the proposal before Members would amount to a reduction in investment in green public transport. The statement continued by outlining that it was difficult to assess the

proposed change as there was very little detail in the report excepting “measures to encourage walking and cycling between the development, University of Essex Campus and the Town Centre” without giving an indication of what these might be. The Statement concluded that although it was £45,000 which was a relatively small amount in terms of the infrastructure improvement budget, it was questioned whether it could be better used towards green public transport and asked that the Committee seek more detail on possible travel plan improvements so that it could reach a considered judgement for the best use of the funds.

At the request of the Chair, the Transport and Sustainability Joint Lead outlined the additional detail that the proposal would include such as a wayfinding scheme to the town centre to encourage more walking and cycling and that if approved these would be commissioned and designs would be ready in the autumn.

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

907. 202829 Land to the rear of Catchbells, 296 London Road, Stanway

The Committee considered an application for the development of 66 dwellings with associated parking, landscaping, open space, drainage and infrastructure and the formation of a vehicular access onto London Road. The application was referred to the Planning Committee because:

- It constitutes major development where a s106 is required and the recommendation is to approve ; and
- It constitutes major development where objections have been received and recommendation is to approve

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

Lucy Mondon, Planning Manager, presented the report and assisted the Committee in their deliberations. A presentation was given outlining the proposal before Members including the red line plan of the site, the public rights of way in the area, the pond in the northeast of the site and an aerial view showing the site and the wider context of development in the area including the allocation in the emerging Local Plan. The Committee heard that there were amenities nearby including a Public House, supermarket, restaurants and garden centre. Members were shown where the access to the site would be as well as pedestrian and cycle access. The Planning Manager drew the Committee’s attention to the location of existing properties in the area as well as their association to the site and what the proposed designs were for the dwellings. The Planning Manager concluded by outlining the proposed detailing on the housing and that the officer recommendation was approval as detailed in the report and amendment sheet.

Paige Harris (Applicant) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that the application was included in the emerging Local plan and that the proposed development would consist of a mix of housing and that the scheme had been designed to integrate into the existing area. The speaker commented that the proposal had a distinctive design and included many of the existing trees on the site and retained the visual link to the open spaces as well as providing affordable homes. The speaker concluded by stating that they had

worked proactively with the Council and asked that the application be approved.

A statement was read out by the Democratic Services Officer from Councillor Lesley Scott-Boutell who was unable to attend the meeting. The Committee heard that the development would impact on Stanway residents and she was therefore requesting some mitigation measures. The statement outlined that the application had changed significantly since the application was submitted and had reduced in the number of homes proposed to the 66 before the Committee for consideration. It was noted that there was no objection from the Highway Authority subject to conditions and that financial contributions had been secured in the section 106 agreement, however there was concern raised regarding the lack of a crossing point on London Road and how a crossing had not been installed at a separate location at the Princess Charlotte and was retrospectively installed. Further to this there was concern that without a crossing it would not enable safe access to public footpaths 27, 7, and 25. The Councillor noted that the North Essex Parking Partnership (NEPP) had not been consulted and that the development would not be considered for parking enforcement markings for 5 years after the highway had been adopted. A request was therefore made to condition that the developer consults with the NEPP to confirm that there would be no parking pinch points and for junction protection markings on the London Road junction.

The statement continued by outlining how the NHS had asked for a contribution and that healthcare was a concern in the area especially with regards to dentistry which was under significant strain. It was noted that Stanway Parish Council had objected to the original submission on the basis of objections from residents on London Road and asked if it could be confirmed whether they were consulted on later submissions. The statement concluded by commenting that the open space provision on the site, the provision of play space and provision on the site, the RAMs contribution and asked that the bins on site were provided in line with the Council's bin strategy.

At the request of the Chair the Planning Manager responded to the points raised by the public speakers. The Committee heard that the landscape plan was before them for consideration and that the Section 106 agreement covered a large amount of information on this and that this would include a Locally Equipped Area for Play (LEAP). Further to this it was noted that Stanway Parish Council were consulted on the application in every iteration excepting some amendments that were urban design and highways requirements on which they were not consulted. The Planning Manager explained that the healthcare requirements had been considered and that 3 areas of need had been identified where there was a deficit. If the application was approved then the NEPP could look into this application with regards to parking. With regards to highways matters the Planning Manager and the Strategic Development Engineer from Essex County Council responded that contributions were included in the proposal for walking and cycling and that a crossing has not been sought at this point as it is not justifiable to insert a crossing for 66 dwellings. The Strategic Development Engineer advised that the crossing would be looked at again when the larger development located adjacent to the site came forward and that this would include looking at the optimal desire lines.

Concern was raised from the Committee regarding the impact that this development would have on the Council's approved motion regarding the Climate Change emergency especially with regards to the number of trees that would be lost on the site. The Committee also raised concerns regarding the engagement from the applicant with the local community and that there were existing issues in the area surrounding bus stops and their accessibility as well as the sewage capacity in the area. Comments were raised from the Committee on the wider development in the area including the allocation of the site surrounding the one before the Committee and how traffic would be controlled in the area as well as access to other public

transport including the railway station. Members of the Committee questioned the road surfacing and why this could not be completed earlier on in the development phase and whether a mini roundabout had been considered to ease traffic building up in the area as well as whether there was a masterplan for the area.

At the request of the Chair the Planning Manager responded to the questions and points that had been raised by Members. The Committee heard that the proposal included new trees along the frontage of the site and to the north of the site but that the Lombardi Poplars were being removed; the additional tree planting would result in a 10% uplift in tree canopy over the existing. Condition 30 in the recommendation covered the surfacing of the road and street signs that had to be in place prior to occupation. The Planning Manager elaborated that the drainage and flooding proposals had been reviewed and approved by Essex County Council and Anglian Water had confirmed that there would be capacity for sewage. It was noted that the site allocation policy and the allocation for the wider site had been taken into account, and that there were a number of visitor parking spaces included within the proposal. The Strategic Development Engineer advised the Committee that the bus stops would be outside St Albrights Church and would be used by people on the site and that further improvements could be made to existing bus stops.

A question was raised as to how future residents of the proposal would access the bus stop on the opposite site of London Road when there was not a crossing point or traffic island. The Strategic Development Engineer advised Members that the size of the development did not require one and that the visibility on the road was adequate.

Members welcomed the affordable housing provision on the site but raised further questions on the ecology of the site specifically with regard to Badger Setts where it was alleged that these had been blocked up and whether a wildlife corridor had been considered. Members debated the issue of ecology surrounding possible badgers on the site and whether the Council could verify a report from a qualified professional on whether Badger setts had been blocked. Concern was also raised regarding the maintenance of block paved areas and how this could be included in the management plan as well as simple plain language in the management plan so that future residents could police the conditions, and asked that with the proposed trees that deeper rooted trees are planted as opposed to shallow rooted trees.

At the request of the Chair the Planning Manager responded to the points and questions raised by the Committee. The Committee heard that an extensive consultation had been undertaken with regards to ecology and that revisions from the Essex Wildlife Trust and Place Services had been included in the proposal before Members. With regards to the Badger Setts, the Planning Manager advised that there was separate legislation protecting them and that any blocking up had to be conducted with a license from Natural England. The Committee heard that the conditions regarding landscape could be revised and that an informative note could be added to place emphasis on the block paved areas in the management plan and included in an information pack for residents, and that it was important to look for mature trees to be planted but that this could be looked at for deep rooted trees where possible.

Concern was raised by Members on the Lombardi Poplars that were being removed as it was not perceived that they would cause any harm and that it would take 25 years for new planting to have the same benefits as those that existed. Members debated the proposed positioning of the bus stops and how the existing ones could be upgraded as well as why a crossing was not being conditioned and the reluctance to do so from Essex County Council. The Strategic Development Engineer advised the Committee that it was difficult to justify a controlled crossing when there was an island crossing not far from the bus stops and perhaps

this could be looked at as part of the bus stop improvements.

Members debated possible conditions including crossing points and walking and cycling routes and whether the crossing would be more justifiable with the rest of the allocation (600 dwellings). Members considered the design of the proposal and its relation to the Essex Design guide and that the vehicle access through the site would be 20mph. The Committee asked for further clarification on the biodiversity of the site specifically regarding badgers as well as improvements to the bus stops.

The Lead Officer Planning: Housing and Economic Growth advised the Committee that the ecology and wildlife had been well documented by independent reviews and asked that Members consider the NPPF which detailed that housing should be delivered without delay where it accords with the local plan. The Committee also heard that the masterplan had shown how the development related to the larger application which would be asked to provide more infrastructure.

A proposal was made and seconded that the application be deferred so that it could be considered alongside the larger proposal of 600 dwellings.

The motion was lost by FOUR votes FOR and FIVE votes AGAINST.

A proposal was made and seconded to approve the application as detailed in the officer recommendation and the amendment sheet with the additional conditions as follows:

- S106 Agreement is varied to allow a cascade of funding from LCWIP towards a crossing if not delivered from the larger site.
- Revised landscape condition to require tree retention, bin strategy, and information packs for residents.
- Additional condition to secure schedule of schedule for road adoption.
- Requested meeting with Highways Authority with Officers and the relevant Ward Councillors to discuss highway matters in respect of wider site allocation.

RESOLVED (By FIVE VOTES FOR and FOUR VOTES AGAINST) that the application be approved subject to the conditions and informatives in the committee report , amendment sheet, and additional conditions below:

- S106 Agreement is varied to allow a cascade of funding from LCWIP towards crossing if not delivered from the larger site.
- Revised landscape condition to require tree retention, bin strategy, and information packs for residents.
- Additional condition to secure schedule of schedule for road adoption.

Requested meeting with Highways Authority with Officers and the relevant Ward Councillors to discuss highway matters in respect of wider site allocation.

908. 212646 Land to the East of Newbarn Road, Great Tey

The Committee considered an outline application for 30 dwellings and 1ha of public open space and access from Newbarn Road with some matters reserved. The application was referred to the Planning Committee as it was an application for major development, and the recommendation is for approval subject to a legal agreement. The application had also attracted objections.

The Committee had before it a report in which all information was set out.

Nadine Calder, Principal Planning Officer presented the report and assisted the Committee in their deliberations. A presentation was given outlining the proposal which was an allocation for 30 dwellings in the emerging Local Plan, the area surrounding the site and the land uses. The Committee heard that the main vehicle access was set out in the main modifications to the emerging Local Plan and explained where pedestrians and vehicles would enter and exit the site. The Principal Planning officer concluded by showing the Committee photos of the site and the surrounding area and detailed that the permission would only approve the land use in principle with a further reserved matters application needed if approved, and that the officer recommendation was for approval as detailed in the report.

James Elmer addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in objection to the application. The Committee heard that the application should be refused or deferred as it had not been properly assessed against the NPPF and relevant policies. The speaker outlined that consultations on the application indicated a 95% objection rate and detailed that an extraordinary meeting had been held by Great Tey Parish Council who demonstrated an overwhelming majority against the proposal. The Committee heard that the developers guide had been ignored and that Essex County Council should be asking for higher contributions from the developer. The speaker concluded by outlining that the adherence to the rules had been slack and that engagement on the proposal would be welcome.

A statement was read out by the Democratic Services Officer from Councillor Lewis Barber who was unable to attend the meeting. The Committee heard that Councillor Barber, who was also the County Councillor for the area, asked that the application be deferred. The Committee heard that it was recognised that the site was allocated in the emerging Local Plan and understood that the site would be accepted for development in some form but that this did not mean the application before the Committee should be approved. The Councillor stated that he recognised the pro-active nature of the developer in amending aspects of the application from those that were originally put forward but asked the Committee to consider and approve all S106 contributions with the outline application. The Councillor noted that possible improvements to the highways could be considered for the junction between Earls Colne Road and Chappel Road as well as Chappel Road and Brook Road as well as welcoming the contribution for cycle infrastructure and asked that it be LTN 1/20 compliant. The Statement concluded with concern raised as to why no education contribution had been cited and that this was troubling as Great Tey had a Primary School and had also experienced development recently and asked that it be reconsidered.

With the permission of the Chair Councillor Peter Chillingworth addressed the Committee. The Committee heard that there was support for the principle of development on the site and it was understood that the Borough needed to accept more housing which was not agreed upon by all. The Committee heard that it needed to be made clear that some of the issues would need to be addressed through a reserved matters application and outlined how the traffic situation in the village would be worsened by the development and that there was no improved access to the site. It was noted that there were opportunities in the area and that Churchfield Drive was in desperate need of works and that this development would generate children for the area and questioned why the County Council had not asked for a contribution. The speaker concluded by welcoming the affordable housing but questioned the contributions in the S106 agreement and whether the developer should be paying more and asked that the application be deferred to look at these issues.

Concern was raised by Members as the developer was not in attendance and that there was

no request for money from the County Council for Schools. A proposal for deferral was made to seek further information on education contributions. The Principal Planning Officer responded that the County Council had been consulted and that they had not requested any contributions for education and that the Highway Authority had not requested any money for improvements to the Earls Colne Road junction as the site was too far from the junction. The proposal for deferral was subsequently withdrawn.

Members debated the contribution requests from the site including those from the NHS and whether they had been consulted, that the site required 1ha of open space and that the reserved matters could come before the Committee if they were minded to approve the application.

RESOLVED (By EIGHT VOTES FOR and ONE VOTE AGAINST) that the application be approved subject to the conditions and informatives in the committee report with the additional conditions as detailed below:

- That the Reserved Matters application be considered by the Committee.

909. 220150 Land to the rear of Hedge Drive, Colchester

Councillor Warnes (as a Director of Colchester Commercial Holdings Ltd) declared a non-pecuniary interest in the following item pursuant to the provision of Meetings General Procedure Rule (75)

The Committee considered an application for a proposed redevelopment of the site to involve the demolition of the existing garages and provision of 3 no. new dwellings. The application was referred to the Planning Committee as the application was made by Colchester Amphora Homes limited on behalf of Colchester Borough Council.

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

Nadine Calder, Principal Planning Officer presented the report and assisted the Committee in their deliberations. A presentation was given outlining the floor plans of the proposed bungalows, the demolition of the 39 garages and provided information on the occupation of the garages, i.e. that 26 were rented out and that users lived within the following radius:

- 0-1 Miles – 13 users
- 1-2 Miles – 6 users
- 2-3 Miles – 4 users
- 3-4 Miles – 3 users

The Principal Planning Officer anticipated that a maximum of 13 cars would be displaced by the development which was considered acceptable. The presentation concluded by outlining the affordable housing nature of the proposal, the design of the proposal, that it did not cause any neighbourhood amenity issues, and that the officer recommendation was for approval as detailed in the Committee report.

Rebecca Howard (Agent) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in Support to the application. The Committee heard that the proposal to demolish the garages was based on a need to provide new housing on previously developed land and because the garages under discussion no longer accommodated modern size vehicles. The speaker outlined that the proposal was designed to be sympathetic to the surrounding area and would be of a high quality as well as to the required

parking standards. The speaker concluded by outlining that the proposal would improve the area, was in accordance with the development plan, and asked that the application be approved.

With the permission of the Chair Councillor Sam McCarthy addressed the Committee. The Committee heard that the Councillor was uncertain about the application as he had been unable to attend the consultation in person and objections had been received. Concern was raised whether the users of the garages had been consulted and whether any alternative accommodation would be provided as many were used for storage. The Councillor concluded by raising concern about the demolition of the rear brick wall and any subsequent replacement as well as the concerns of surrounding neighbours being addressed.

Concern was raised by the Committee as the garages had only been refurbished a few years prior and that there were other garaging areas in the Borough that were in far worse condition and that the occupants of the garages had not been consulted about the proposal. Members raised further concerns regarding the pedestrian and cycle access, the streetlighting in the area and sustainability measures such as solar panels.

At the request of the Chair the Principal Planning Officer responded to the points and questions raised by the Committee. The Committee heard that the planning department was not responsible for the applications coming forward and that it was up to the developer to contact their customers with regards to any consultation. It was noted that the consultation by the planning department had taken place as was required. The Principal Planning Officer confirmed that streetlights could cause issues with neighbour amenity and that as it was 3 dwellings it was not considered there would be a conflict between the users via the access. It was confirmed that the applicant was Colchester Amphora Homes.

Members raised further questions regarding height of the buildings in the surrounding areas, the Archaeological nature of the site and whether it was on top of a Roman road. The Principal Planning Officer responded that the proposal was subject to archaeological conditions and would be bound by those prior to commencement.

A proposal was made to defer the application for archaeological studies to be carried out, consultation with existing users and to consult on the height of the proposal. A seconder was not found so the motion fell. A proposal was made to refuse the application, but a seconder was not found so the motion fell.

Members debated whether the archaeological conditions could be brought forward and whether any works could be done by the applicant prior to granting consent.

The Committee expressed disappointment that an application from Colchester Amphora Homes had not been properly consulted on and felt that this was unacceptable from a Local Authority.

A proposal was made and seconded that the application be deferred so that the applicant could consult with the customers who leased the garages.

RESOLVED (By EIGHT VOTES FOR and ZERO VOTED AGAINST and ONE ABSTENTION) that the application is deferred so that the applicant could consult with the customers who leased the garages.

Following the completion of determination of application 220150 a vote was taken in accordance with Meetings General Procedure Rules paragraph 11 (2) to extend the meeting past 10:00 pm. It was Resolved that the meeting would continue to conclude the business

on the agenda.

It was noted that Councillor Gerard Oxford left the meeting at 10:15pm after the completion of application 220150 but before the commencement of 212888.

910. 212888 Land between 7 & 15 Marlowe Way, Colchester

The Committee considered an application for the construction of three 4- bedroom detached houses, each with an integral garage, plus individual private driveways connecting to Marlowe Way. Two TPO trees were to be retained. The application was referred to the Planning Committee as it was called in by Councillor Buston who raised the following concerns: that the proposal is contrary to Local Plan policies relating to open space, built design, amenity, community facilities and retention of open space and to the provisions of the NPPF (well-designed places). Full Comments are outlined in the consultations section of the Committee report.

The Committee had before it a report in which all information was set out.

Chris Harden, Senior Planning Officer presented the report and assisted the Committee in their deliberations. A presentation was given outlining the proposal before the Committee noting the Tree Preservation Orders on the site, the elevations of the plots, and that an extra letter of objection had been received regarding the proximity of the dwelling to the neighbouring boundary and the loss of a sight line and that the 3d plans were misleading. Furthermore an additional comment had been received from Cllr Buston. It was noted that there was a scheduled heritage monument in the area and that residents had applied for the application site to be made a designated village green. The Committee heard that a previous application on the site for housing had been refused for the reasons of design and height of the dwellings and did not include open space. The Senior Planning Officer outlined that the proposal related well to its surroundings, that the garden space exceeded the requirements as detailed in the Local Plan and did not have an overbearing nature on residential amenity which had been carefully considered within the report. The Committee heard that the Council had sought advice on the application for village green status which is within the jurisdiction of Essex County Council and confirmed that an application had been received by the County Council after the planning application had been made. As such the County Council had therefore responded that they could not accept the village green application. It was further noted that the legislation guidance was clear on which authority this should have been sent to and that this was an error on the part of the solicitor submitting the application. The Senior Planning Officer concluded by outlining the officer recommendation of approval as detailed in the committee report.

Simon Sorrell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in Objection to the application. The Committee heard that the proposed site had been an open space used by the public for the last 50 years and would lead to a loss of wildlife, and that balance was required when making this decision. Concern was raised over the loss of open space that would become private land and that the application should be refused. The speaker concluded by outlining that there was no change since the previous application and that the application should not be approved.

Robert Pomery (Agent) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in Support of the application. The Committee heard that the previous determination of an application on the site had been for refusal and that the proposal before the Committee was more in character with the area. The speaker outlined that the issue of open space had been dealt with and that the proposal before the Committee was the result of detailed negotiation with the Planning Department, that was compliant with the

Council's policies and represents good design. The Agent concluded by surmising that the proposal represented good design, suited the area and reflected the Committee's expectations of development.

With the permission of the Chair, Councillor Roger Buston addressed the Committee. The Committee heard that the application ignored the fact that the site has been a public amenity for the past 50 years and its undeveloped nature set a precedent and referred to a recent refusal across the road. The Councillor outlined that the proposal failed to enhance the character of the area and would mean the loss of public amenity space that was currently in the process of an application for village green status which did not specify that it had to be sent to the County Council and that it was not pointed out immediately that this needed to be sent there. The Committee heard that the proposed design was of a speculative quality and was not suitable for this development and that the removal of the amenity space would be detrimental to the public and would be contrary to policy.

At the request of the Chair the Senior Planning Officer responded to the points and questions raised by the Committee. The Committee heard that the land had been used as open space for the past 50 years and that the Borough Council had maintained the area for at least 30 years. The Officer noted that the principle of the loss of open space was discussed at the previous application's determination but that it had not formed part of the refusal. It was noted that the Committee could include this as a reason for refusal now but would leave the Council open to the risk of costs at the appeal stage. The Senior Planning Officer responded that the site nearby that had been refused was on its own merits and that there were also issues of ownership whereby Essex County Councils Highways Department believed they had some ownership rights on the area. The Officer concluded by outlining that the County Council had made their decision regarding the village green application.

The Lead Officer Planning: Housing and Economic Growth added that the response to the Village Green application had come from Essex legal services and that they were clear on the process that a valid application had not been received prior to the planning application being validated, that the application before the Committee could be determined and that the only way that a new application for village green status could be processed would be after any planning appeals and right of legal redress had been exhausted. Furthermore, the Lead Officer Planning: Housing and Economic Growth confirmed from the letter received from Essex Legal Services that there should have been no doubt that the application for village green status should have been sent to the County Council.

Members debated whether Essex County Council should have accepted the application and whether the driveway of one of the proposals was smaller and whether this was in compliance with the NPPF considering the preservation order on the trees in the vicinity.

At the request of the Chair the Senior Planning Officer responded to the questions raised by the Committee. The Committee heard that the area under discussion had been maintained by the Council's Public Realm team for the past 30 years and that an application for village green status had been sent to Colchester Borough Council incorrectly and although it was forwarded to Essex County Council it is for the Applicant to ensure that they send it to correct authority. It was noted that the proposed design met the designated parking standards and that it was true that the trees would require maintenance but that this was not necessary to avoid a loss of light.

RESOLVED (By SIX VOTES FOR and ONE VOTED AGAINST and ONE ABSTENTION) that the application approved subject to the conditions and informatives in the committee report.

911. 212810 St Leonards Works, Port Lane, Colchester

The Committee considered a request for reference 212810 and sought approval to allow for the 3.5-metre wide footway/ cycleway along the two sections of the site's Port lane frontage to be secured via condition rather than the S106 Agreement.

The Committee had before it a report in which all information was set out.

Karen Syrett, Lead Officer Planning: Housing and Economic Growth presented the report and assisted the Committee in their deliberations. A presentation was given outlining the proposal that was before Members to secure the cycle path/ footway as a condition as opposed to the S106 Agreement that was agreed when the application was previously before the Committee.

RESOLVED (UNANIMOUSLY) that the application approved subject to the conditions and informatives in the committee report.