

PLANNING COMMITTEE

23 May 2024

<i>Present:-</i>	Cllrs Warnes (Chair), McCarthy (Deputy Chair), Arnold, Davidson, Law, MacLean, Rippingale, C. Spindler, and Tate
<i>Substitute Member:-</i>	
<i>Also in Attendance:-</i>	Cllr Scott-Boutell

1061. Minutes of Previous Meeting

The minutes of the meeting held on the 18 April 2024 were confirmed as a true record.

1062. 212507 Land north of Wyvern Farm, London Road, Stanway, Colchester

The Committee considered an application for outline planning permission (with all matters reserved except access) for the erection of up to 600 dwellings, land for a co-located 2FE primary school and early years nursery, public open space and associate infrastructure. Vehicular access from London Road, (B1408) and Red Panda Road. The application was referred to the Planning Committee as the application departed from the relevant local plan Site allocation Policy (WC2) by including a spine road through land designated as open space in the Local Plan, as well as slightly exceeding the number of allocated dwellings.

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

Prior to the presentation from the Case Officer Councillor Davidson asked that it be noted that the annual meeting had only taken place on the day prior to the meeting to appoint the Committee and did not feel that this was sufficient time for Members to review the information. The Chair noted the comments made.

Lucy Mondon, Planning Manager presented the application to the Committee and assisted them in their deliberations. The Committee were shown the proposed plans for the application which included public rights of way, access to the site via vehicle and pedestrian means as well as the existing permissions surrounding the site. The Committee heard that the principle of development had already been agreed through the site's allocation in the Local Plan. Members were shown the proposed spine road and open space areas of the site before being shown photographs from different areas of the site. It was noted that a connection point had already been prepared from Red Panda Road as well as the site for the proposed school. The Committee heard that the proposal included a 10% increase in canopy cover/BNG and were shown the density of development on different areas of the site. The presentation concluded with the Planning Manager detailing the cycle routes on site, the illustrative design of how the proposal could look when completed and that there were some

amendments to conditions within the Amendment sheet but confirmed that the officer recommendation was for approval.

Steve Hatton 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 under consideration since 2021 and that there had been close scrutiny of the highways impacts of the proposal and that it had been allocated for development as part of the Local Plan. The speaker detailed that the allocation formed part of the Council's 5-year land supply if approved and could be delivered in 2025/2026 and that there was confidence that this could be achieved if it was agreed at this meeting. The Committee heard that they had liaised with officers and the Parish Council and that there were issues that could be addressed in the reserved matters application. The speaker concluded by detailing that there were no technical objections to the proposal, very few public objections and that the site would provide 30% affordable housing as well as generous public open space as well as cycle links.

Councillor Scott-Boutell addressed the Committee as a visiting Councillor. The Committee heard that the proposed Section 106 benefits from the proposal needed to go to Community facilities and that there had been no consultation on this matter. Concern was raised regarding the footpath to Villa Road and Tollgate with a request for further information on the Section 106 monies to ensure that this development was not subsidising the Tollgate Hall development which had already been financed. The Committee heard that the visiting Councillor was pleased with the financial contributions for Healthcare and that the new school but asked that the developers put down the enforcement markers to protect the school and asked that the allocated spaces for this be put in advance to ensure that bus route was not impeded. The visiting Councillor raised a question regarding the acoustic barrier on site of the bund and trees and asked what protection there would be for people not to go onto the A12. It was detailed that this concern had been raised as there were currently fences falling to pieces and that no ownership of them was being claimed. The visiting Councillor welcomed the contributions towards the bus service and asked whether this would link up to Marks Tey railway station. The speaker concluded by outlining that they were pleased to see the widening of the of the walking and cycling links.

At the request of the Chair the Planning Manager responded to the points raised by the Have Your Say Speakers. The Committee heard that there were a large number of projects in the Section 106 and confirmed that what was proposed was not a cascading list but an either-or scenario in which certainty could be secured when the projects from the Parish Council had been finalised. It was detailed that the development needed to mitigate its own impact and it was noted that Copford Village Hall was currently oversubscribed and would need more facilities such as car park, toilet, and sports facilities. The Planning Manager concluded by explaining that there was also a condition included regarding the details of the spine road and to ensure that the bus route would be accessible.

At the request of the Chair, Martin Mason, Strategic Development Engineer for Essex County Council's Highways Department, detailed that the bus service contribution was for a new service to Marks Tey Railway Station to the City Centre and confirmed that the London Road Stanway Western Bypass was an either / or in the section 106 agreement and that crossing requirements would be covered by a Section 278 Agreement and that if these were not provided then a contribution would be made instead.

In response to a question from the Committee the Strategic Development Engineer detailed that the bus route would be funded by the development and that this would go through the site and that the intention was that it would also traverse the other nearby developments. It

was also confirmed that there would be pedestrian and cycle access to Turkey Cock Lane.

In response to a question from the Committee the Planning Manager detailed that conditions had been included to secure the Sustainable Urban Drainage Scheme (SUDS) and that there was a central ditch on site that would infiltrate west.

The Committee debated the proposal with some Members raising concern regarding the access to the site and that there was no green heart to the development as all the open space had been included next to Turkey Cock Lane. Further questions were raised from the Committee as to whether there would be a 20MPH speed limit throughout the site and that some Members wanted to see a more substantial Section 106 agreement.

At the request of the Chair the Planning Manager responded that the landscaped area would be 7 hectares of open space and confirmed that 10% of the developable area would be open space. Further to this the Planning Manager confirmed that the Section 106 Agreement was designed to mitigate the impacts of the development.

At the request of the Chair the Strategic Development Engineer detailed that the main spine road would be limited to 30MPH and that it would be 20 MPH on the offshoots from the spine road. The Planning Manager also confirmed that there would not be any vehicular access to the allocated primary school as this had been secured through a separate application.

Committee members continued to debate the proposal on issues including additional cycle storage on site or a cycling hub to promote active travel on site.

It was proposed and seconded that the application be approved as detailed in the officer recommendation and amendment sheet with the additional condition:

- Section 106 Clause to include e-bike hub provision.

RESOLVED (UNANIMOUSLY) That the application is approved as detailed in the officer recommendation and amendment sheet with the additional condition as follows:

- Section 106 Clause to include e-bike hub provision.

1063. 232295 50 London Road, Stanway, Colchester, CO3 0HB

The Committee considered an application for the change of use from Post Office delivery office (sui generis) to café (Class E) together with the installation of an extraction system to the rear elevation and conversion of the 1st Floor to a one bed flat. Additional Parking Plan Received. The application was referred to the Planning Committee as the application had been called in by Councillor Scott-Boutell who stated:

“The application states that work has not started but the flue has been installed and appears to be a different design to the plans submitted. Inadequate parking for 5 staff and customers. At best there are 3 spaces at the front of the building. No cycle storage and no disabled bays. There is only one toilet shown on the plan. Is that to be used by clients and staff? There’s no disabled toilet shown. Clarification needed on where the foul sewage goes and how is the applicant going to dispose of foul sewage as the application states unknown.

Stairs are shown as going upstairs but no first floor plan have been submitted. What is upstairs? No detail. Is this accessible to the public? Has the use of the first floor changed.

What was it and what is intended for future use?

No to the question "Does the proposed developed require any materials to be used externally?" The installed flue is external materials and is installed. No detail on how waste will be stored and disposed of, and no plans of storage and disposal of recyclables.

Hours of opening are relevant to the scheme as drawing shows a planned bar. 38 covers are shown on the plan downstairs. No detail on plans/ use for upstairs as none submitted although plans show stairs. No parking listed for the covers shown. The kitchen and prep area appears too small for the cover area with the bar area of nearly equal size.

There is not enough detail and too much detail is missing for an informed decision to be made. As submitted, and as a retrospective application, it is already having a negative impact on neighbours amenity and well being."

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

Chris Harden, Senior Planning Officer presented the application and assisted them in their deliberations. The Committee were shown that the site had two elements with the first being the former post office site and the second being the forecourt of an existing MOT garage along London Road which would add additional parking to the proposal. It was detailed that the additional parking would be secured under a 10-year lease if agreed. The Committee heard that there had been allegations that a barbers would be operating from the rear of the proposal and confirmed that this was not a matter that was before the Committee for determination. The Committee were shown the proposed parking arrangements and that a more accurate drawing of the flue had been received and was presented to the Committee and detailed that a further recommendation was proposed to screen the flue. The Committee were shown photos of the site and the interior of the proposed café and were informed that an extra objection had been received that someone was already living in the flat. It was detailed that the site was situated within the settlement boundary and was formerly a commercial and residential use and confirmed that the environmental protection team had assessed the proposal with regards to odour control and that there would be no takeaway available from the site. It was detailed that there had not been an objection from Essex County Council's Highways department and detailed that the proposal was acceptable without the additional parking on the garage forecourt, that the site was in a sustainable location and that there were double yellow lines in front of the proposal. The Senior Planning Officer concluded by detailing that there were no conflicts with policy and the National Planning Policy Framework (NPPF) and that the recommendation was for approval as detailed in the officer recommendation with the additional conditions regarding the screening of the built flue.

Andrew Feasey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that the applicant had apologised for starting works without planning permission, that works were for the conversion from a commercial use to a new commercial use with local staff lined up to work and operate in the café and detailed that extractor would be noiseless and odourless and that the unilateral undertaking would be paid upon approval.

Councillor Lesley Scott-Boutell addressed the Committee as a visiting Councillor. The Committee heard that there were issues with bonfires on site and that when the flue appeared on site enforcement action was taken and a stop notice was issued on site as well as allegations that waste was being buried on site. The Committee heard that there were no plans for the flat and that the prior approval plans had not been followed and was noted that

the parking had been resolved to the satisfaction of Highways but there was concern on how the customers would know that the parking was available as well as concerns regarding the kitchen space being large enough to provide for the premises. It was noted that the visiting Councillor did have concerns regarding the parking in the immediate area and the ability for disabled persons to park on site as well as where the staff would park. The Committee heard that there was a concern regarding the lack of disabled toilets shown in the proposal and detailed that the storage area had been converted into a barbers area. The Ward Member concluded by detailing that the retrospective elements on site had not been overcome and that the application had taken up a lot of officer time and that the application should be refused.

At the request of the Chair the Senior Planning Officer responded to the points raised by the Have Your Say Speakers. The Committee heard that evidence would need to be provided to substantiate the claims of waste being buried on site and detailed that signage could be conditioned on site and that the highways issues had been overcome but the issue of location and advertisement of the parking could be conditioned by additional signage at the cafe. The Committee heard that the building regulations would come into effect for the provision of toilet facilities on site, that the site was in a sustainable location and that commercial vehicles had previously accessed the site, and that although the flue for the kitchen was unattractive it did not impact the street scene. Further to this it was noted that the garden area had been allocated as amenity space and detailed that the outbuilding did not appear to be used as a residence or as a separate business, but that if this was happening it would be subject to planning enforcement action.

Members debated the proposal on issues including: that the parking on the garage forecourt was unrealistic, that the capacity on site of 38 covers with one toilet was poorly thought out, the use of the amenity space and whether this would allow for outdoor dining and causing a nuisance with regards to neighbourhood amenity. The Committee's discussion continued on issues including: road users parking on the frontage and causing disruption, the type of signage that would be available on site as well as the hours of operation.

The debate continued with Members noting that further issues could arise if approved with regards to food takeaway from providers such as Just Eat and blocking the parking, and that some members felt that this would be a self-contained business. Members discussed the sustainability of the proposal with some Members questioning whether a site visit would be a helpful for Committee members.

At the request of the Chair the Senior Planning Officer responded that the details of the amenity space could be conditioned and that if minded to approve the Committee could condition that the amenity space was not used as seating for the café as well as conditioning covering the majority of the flue to improve visual amenity. The Senior Planning Officer also confirmed that the forecourt parking at the MOT garage would not effect the existing business there.

At the request of the Chair the Strategic Development Engineer for Essex County Council's Highways Department advised Members that they would need to be mindful of an appeal if they refused the application on highways grounds as it was an accessible location which did have parking if customers chose to drive there. The Senior Planning Officer added that conditions for signage could be added to direct customers to the additional parking at the garage and that the main advertisement signage would be addressed under advertisement regulations but an informative note could be added to the recommendation to detail that the advertisement for the business should be in keeping with the street scene.

It was proposed and seconded that the application be approved as detailed in the officer recommendation with additional conditions regarding the concealment of the flue, advertisement signage condition regarding parking and that an informative note could be added regarding the advertisement signage being in-keeping with the area and street scene. The vote was lost with Three votes FOR, FOUR votes AGAINST, and ONE ABSTENTION.

It was proposed and seconded that the application be deferred so that the Committee can undertake a site visit with the Strategic Development Engineer for Essex County Council's Highways Department in attendance.

RESOLVED (*by SEVEN votes FOR, ZERO votes AGAINST, and ONE ABSTENTION*) that the application is deferred to undertake a site visit with the Strategic Development Engineer for Essex County Council's Highways Department in attendance.

A short break between 19:50-20:00 was taken following the conclusion of application 232295 but before the commencement of application 231933.

1064. 231933 Yarra Family Resource Centre, Stanway Green, Stanway, Colchester, CO3 0RA

The Committee considered an application for two detached structures, used as incidental office space (retrospective). The application was referred to the Planning Committee as the application had been called in by Councillor Scott-Boutell due to the lack of parking, increase in traffic, change of use into commercial use, damage to public open space and inadequacy of toilets provided on site.

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

Simon Grady, Planning Officer presented the application and assisted them in their deliberations. The Committee were shown the structures in place in the field and their relationship to the listed building which was next door. It had been assessed that the listed buildings were shielded from visual harm and detailed that one of the main questions before the Committee was whether the 2 structures could be linked to a higher level of harm. The Planning Officer concluded by detailing that they had assessed that the level of harm was not a strong enough link to the harmful intensification of use from the proposal and that their recommendation was for approval as detailed in the officer recommendation.

Alison Cox addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that the site was providing crucial services which included occupational therapy and managing emotional difficulties. It was noted that the site benefitted from a planning permission from 2014 and that no planning conditions were associated with this. The Committee heard that the structure had been erected in May 2023 under the assumption that they were permitted development and that its use was as an office and a shelter from the elements. The speaker concluded by asking that the application be approved however they felt that the travel plan was unreasonable.

Councillor Lesley Scott-Boutell addressed the Committee as a visiting Councillor. The Committee heard that the development was having a negative impact on the scheduled monument of Stanway Green and questioned whether the use of the road was being paid for and asked for further evidence on this. The Committee heard that the successful business had outgrown the site with 14 informal car parking spaces and that the travel plan in the

conditions would not resolve the issues such as congestion that had been reported by residents. Further to this the Ward Member detailed that there were no planning controls in place and that concerns had been raised with regards to highways in terms of minibuses and animal collections and that policies DM17 and DM 11 applied as the business had outgrown the site.

At the request of the Chair the Planning Officer responded to the points raised by the Have Your Say Speakers. The Committee heard that the use of the site had increased over the past 10 years and whether this could be linked to the 2 units would be difficult to connect and that they were not aware of any payments regarding the upkeep of the road. It was detailed that it was not possible to park on the green itself due to the bollards and that there were 18 spaces on site for the 32 staff but noted that they were not all on site at the same time.

Members debated the application on the issues including: whether there was any damage to the scheduled monument.

At the request of the Chair the Joint Head of Planning, Simon Cairns, showed the Committee the Google Streetview images around the Scheduled Monument and detailed that it would be difficult to show the causation of the ancillary office use to the intensification in trip generation. Further to this the Senior Strategic Development Engineer for Essex County Council's Highways Department outlined that the impact would need to be severe to defend at appeal.

Members continued to debate the proposal on issues including: the purpose of the proposal and its additional use as a shelter from inclement weather.

RESOLVED (UNANIMOUSLY) that the application be approved as detailed in the officer recommendation.