

PLANNING COMMITTEE

13 June 2024

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

1065. Site Visits

A site visit was conducted on the 13 June 2024 for application 232295 which was attended by the following Councillors:

- Cllr Hagon
- Ripplingale
- C. Spindler
- Arnold

It was noted that the site visit was also attended by Martin Mason, Strategic Development Engineer for Essex County Council's Highways Department.

1066. 230625 Land to the East of, Nayland Road, Great Horkesley, Colchester

The Committee considered an application for outline planning application for 100 no. dwellings, new access and A134 crossing, land for allotments, provision of a Scout and Girl Guiding Hut with associated car park, public open space and associated works. All Matters Reserved Except Access. The application was referred to the Planning Committee as the proposed development for 100 dwellings exceeds the number of dwellings (80) set out in the Local Plan Site Allocation (policy SS7). The site area also differs to the site allocation policy.

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

RESOLVED (UNANIMOUSLY) That the application is approved as detailed in the officer recommendation.

1067. 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). Installation of an extraction system to the rear elevation. 1st Floor 1 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 waster 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 asked to note that the report included the updated conditions that the outdoor amenity area could not be used in conjunction with the café purposes and as well as a condition to mitigate the visual impact of the flue. The Committee were shown photographs of the proposal, the access to the site as well as the layout of the site. The Committee heard that Essex County Council’s Highways Department had no objections to the proposals and that the additional spaces for parking on the garage forecourt were welcomed but were not essential in the balance of acceptability of the proposal. The Senior Planning Officer detailed that there was an adaption to condition 14 to require a precise plan for parking on the garage forecourt in addition to the directional signage. The Committee heard that the unilateral undertaking had now been completed, that there was no impact on vegetation and that the outbuilding was proposed to be used for storage. The Senior Planning Officer concluded by detailing that the officer recommendation was for approval as detailed in the report with the additional conditions set out by the Senior Planning Officer.

Andrew Feasey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee were thanked for visiting the site and detailed that the parking on the front of the site had been raised and confirmed that the parking would conform with building regulations and would be completed prior to opening. It was acknowledged that a parking plan would be provided and that the spaces would be maintained on site and detailed that the proposal was sustainable and met the Council’s policies. The Committee heard that the proposal would be a good business in a good location and that the unilateral undertaking was in place and concluded by detailing

that the rear of the site and would be used for waste bins storage as well as general storage.

Councillor Lesley Scott-Boutell addressed the Committee as a visiting Councillor. The Committee were thanked for visiting the site and detailed that there are two entryways to the Stanway Garage and detailed that these were well used and would be inaccessible. It was outlined that there would be a conflict between the pedestrians and road users on the garage forecourt and on the main café site. It was questioned how the car sales at the garage would work if they were not shown on the forecourt as well as issues of enforcement action on London Road. The Ward Member raised concern that no disabled parking spaces were being proposed at the main café site as well as issues of parking on the forecourt that could be caused. Further to this concern was raised regarding the signage on site and whether this could cause light pollution and concluded by detailing that Stanway Parish Council had objected to the proposal and that they did not support the proposal.

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 there were 2 vehicular entrances to the garage forecourt but confirmed that no objections had been received from Essex County Council Highways Department regarding this and that if Members were minded to approve the application then it could be conditioned. With regards to advertisements it was detailed that advertisement consent was not being sought on the property but would be subject to existing legislation regarding advertising and signage.

At the request of the Chair Martin Mason, Senior Strategic Development Engineer for Essex County Council's Highways Department added that the parking area at the garage already had a land use for vehicular movements and detailed that visibility was good with low speeds and that this was improved with the proposed additional conditions as proposed by the Case Officer.

The Committee debated the proposal on issues including: the proposed cycle storage on site, whether there were residential zones of parking in the area, whether the café would be allowed to do takeaway food and drink, the opening times of the business and the fan and flue extractor at the rear of the proposal. Further concern was raised regarding the lack of disabled toilets shown on the plans, the secure storage facility, how the Council's supplementary Planning Documents were being applied to the application.

During the debate Councillor Hagon declared a non-registerable interest as a Member of Stanway Parish Council.

The debate continued with Councillors discussing the speed limit along London Road as well as the disruption that could be caused from vehicles parking on site.

At the request of the Chair, the Senior Strategic Development Engineer for Essex County Council's Highways Department detailed that there were no residents parking zones in the area and that it was their professional view that the proposal did not create a highways risk.

At the request of the Chair, the Joint Head of Planning outlined that the design encouraged people to walk to the site but that the option of parking was available and that the proposal had been conditioned to prevent parking at the rear of the café to protect neighbourhood amenity and that an electric vehicle charging point could be added to the conditions with regards to the dwellings use. The Joint head of Planning concluded by detailing that the only reason that the application was before the Committee was because of the mixed use of the proposal.

Members continued to debate the proposal on the issues including, the exit areas from the garage site, the residents wellbeing of the dwelling that was on the garage site with regards to the parking, the liability on the car park, the number of car park spaces and the layout and the location of the lack of a disabled toilet.

At the request of the Chair, the Joint Head of Planning outlined that the off site parking was deemed as necessary to make the proposal acceptable and that if members did wish for the disabled toilet to be conditioned then this could be added and members could be consulted on the details when they were submitted, and that lighting could be conditioned as well.

Members continued to debate the proposal regarding the lack of detail surrounding the disabled toilet facilities as well as access around the side of the building.

It was proposed and seconded that the application be refused, however this proposal was withdrawn.

Following this it was proposed and seconded that the application be deferred for further details to be submitted concerning provision of accessible Toilets, including pedestrian access and lighting, details of cycle parking, provision of EV Charging Point(s) and disabled parking space.

RESOLVED (UNANIMOUSLY) that the application is deferred to seek further details to be submitted concerning provision of accessible Toilets, including pedestrian access and lighting, details of cycle parking, provision of EV Charging Point(s) and disabled parking space.