

# Planning Committee

Thursday, 04 July 2019

**Attendees:** Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Martyn Warnes

**Substitutes:** No substitutes were recorded at the meeting

**Also Present:**

## 715 Site Visits

Councillors Barton, Hazell, Jarvis, Liddy, Loveland, Luxford Vaughan and J. Maclean attended the site visits.

## 716 172049 Land West of Chitts Hill, Stanway

The Committee considered an application for the development of the site to provide 100 dwelling houses (Class C3) with access from Chitts Hill, associated on site infrastructure, open space, landscaping and parking. The application had been referred to the Committee because the proposal was a departure from the adopted Local Plan by virtue of it being outside the adopted settlement boundary of Colchester and because the proposal constituted major development where objections had been received and the recommendation was for approval. A section 106 legal agreement was also required.

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

The Committee undertook a site visit in order to assess the impact of the proposal on the locality and the suitability of the proposal for the site.

Lucy Mondon, Principal Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Chris Wheat addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. There was a threat to life if the application was approved. There had been a recent suicide at the level crossing and putting a further 100 dwellings at this location would expose residents to greater risk, especially young adults and children. Concern was also expressed about road

safety. When the level crossing was in use, traffic often backed up from the crossing to Holmwood House school. The development would lead to an increase in traffic, causing further congestion. Traffic coming from the West Bergholt direction wishing to enter the development would impede further the flow of traffic and lead to further delays. It would also increase the risk of traffic getting stuck on the level crossing. The Committee needed to take account of the public safety implications arising from the application.

Robert Eburne addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The proposal was in accordance with the Local Plan. The development had been subject to public consultation over the last two years to ensure that it was a high-quality development, and it would provide 30% affordable housing, in line with Council policy. One third of the site would be open space and the trees at the frontage of the site would be maintained. No trees that were subject to Tree Protection Orders would be affected. The traffic impact had been thoroughly assessed by consultants and a Transport Assessment submitted with the application. This had addressed the issue of queueing traffic. The Highways Authority had raised no objections on highways grounds. A legal agreement to secure section 106 contributions was also proposed

Councillor Willetts attended and with the consent of the Chairman addressed the Committee, on issues relating to the proposed access junction to the development, which was in Lexden and Braiswick ward. There were grave concerns about the design and placing of the junction in Chitts Hill. Whilst the Highways Authority had not objected to the proposal, their role was to take a high-level view and it was for the Planning Committee to assess the human factors associated with the junction. At peak times there would be conflict between the users of the crossing and those accessing the development. Whilst the Traffic Assessment did look at the issues around peak use, it was not convincing. There was a risk that when traffic was queueing, vehicles seeking to access the development would drive on the other carriageway, increasing the risk of accidents. Remedial measures needed to be put in place to filter traffic into the estate. Whilst the overall design of the development was satisfactory, until a better arrangement for accessing the development was found the application should be deferred.

Councillor Dundas attended and with the consent of the Chairman addressed the Committee. Whilst emphasis was given to the site being included in the emerging Local Plan, this had not been agreed yet and it was not clear what weight the Committee should give the emerging Plan. The emerging Local Plan had not been subject to significant public scrutiny and it was not inconceivable that it would be revised. Members should use their unique local knowledge when considering highways issues around the access to the development. The level crossing was closed 50% of the time at peak traffic periods. There were often long queues of stationary traffic on both sides of the crossing, and it was very likely that this would block access to the

development. At the very least, the junction should have kept clear signs or a mini roundabout. Concern was also expressed about the proposed contributions under the section 106 agreement. The contribution towards the NHS would not secure significant resources. The Public Open Space, Sport and Recreation contribution should be used to provide facilities for older children. In view of the fact that the Landscape Officer did not support the proposal, the conflict with policies and the highways issues, the application should be refused or deferred for further negotiations.

Councillor Barber attended and with the consent of the Chairman addressed the Committee, as a member of the Local Plan Committee. The proposal was not a chosen site in the Local Plan and was contrary to the current Local Plan. The emerging Local Plan had not been ratified and he was not confident that Part 2 of the Local Plan would be adopted. The application was therefore premature. It was also in conflict with a number of planning policies such as ENV1. If the Committee were minded to approve the application, it should seek to improve the junction on Chitts Hill. He was preparing an application to the Local Highway Panel to address speeding issues in the area.

Councillor Scott-Boutell attended and with the consent of the Chairman addressed the Committee. She stressed that the emerging Local Plan was not yet agreed, and she had raised concerns about the development of this site to the Inspector. The application was speculative and premature. The Landscape Officer did not support the application and the Urban Designer had also requested revisions. Concern was expressed that the developer had initially claimed that the development could not support section 106 contributions. In terms of highways issues, the difficulty of fitting infrastructure retrospectively was noted. In addition, she had applied to the Local Highway Panel for funding for a crossing on Halstead Road and this should have been agreed as part of the section 106 agreement. The area was not well served by public transport, which would encourage car use by residents of the development. In addition, the use of the education and NHS contributions outside of Stanway was also a concern and would also encourage car usage. The provision of electric car charging points, solar panels and dog bins had not been specified.

The Principal Planning Officer explained that the principle of the development was addressed in detail in the report. The emerging Local Plan was at an advanced stage of preparation and had been submitted for examination. The report addressed the representations that had had been made on the principle of the development. Whilst the application was not in accordance with the Adopted Local Plan, it was in conformity with the National Planning Policy Framework and the emerging Local Plan.

In terms of other issues raised, the NHS had requested a contribution of £36,000 to be invested in increasing capacity in local surgeries. A deficit had been identified at the Ambrose Avenue branch surgery. The educational contributions would be invested in two sites in line with Essex County Council's 10 year plan. Car charging points, solar panels and dog waste bins could be secured by condition, if the Committee considered it

necessary. In respect of the junction on Chitts Hill, the Transport Assessment had assessed the impact with the junction at 60 metres from the crossing over a seven-day period, although it was proposed that the junction be 70 metres from the crossing. It had concluded that the average wait times at both morning and evening peaks would be 4-5 minutes and that there would be an average of four cars queuing 93% of the time. There would also be keep clear markings at the junction of approximately two car lengths. Pedestrian numbers that would be generated by the application would not justify a pedestrian crossing. Issues of pedestrian safety in the area were wider issues for Essex County Council to address and were outside the scope of the application. The NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and this was not the case

In terms of ecological issues, Essex Wildlife Trust had indicated that they were content with the information provided with the application and that acceptable mitigation was in place. In addition, an area would be provided under SANGS to offset the impact of the development. Car charging points could be required by condition and dog waste bins could be introduced via the landscaping proposals under condition 18.

In discussion, some concern was expressed that section 106 contributions on education and health were being directed outside the ward. Clarification was also sought about where the proposed play equipment would be located and the nature of this. The need to provide facilities for older children was stressed. Support was expressed for the inclusion of car charging points, solar panels and dog waste bins. Members considered that there were a number of positive aspects to the scheme, particularly the provision of 30% affordable housing and the good quality design. However, concern was expressed about the conflict with the current Local Plan and the proposed access junction on Chitts Hill. The increase in queueing traffic that would result would lead to an increase in traffic using Argents Lane, which was narrow and unsuitable for the volume of traffic that would result.

In view of the concerns expressed on the principle of the development, Bethany Jones was invited to address the Committee on the weight the Committee should place on the emerging Local Plan. She explained that the development site was allocated in the emerging Local Plan. Paragraph 48 of the NPPF set out three tests which needed to be applied to determine the weight that should be applied;

- The stage of preparation of the Emerging Local Plan;
- The extent of unresolved objections;
- Consistency of policies with the NPPF.

The emerging Local Plan had been submitted and was subject to examination and therefore was considered to be at an advanced stage. Officers were working to provide the extra evidence the Inspector had requested. There no unresolved objections to

Policy WC2, which allocated this site in the emerging Local Plan. The proposed policy and the application were in full conformity with the NPPF, so in this case significant weight could be given to the emerging Local Plan. In response to a query from the Committee it was highlighted that if the Local Plan were not be approved, then the default position would be that applications would be considered against the NPPF. As this application was regarded as highly sustainable and in the absence of any conflict with the policy framework it would be recommended for approval.

Further concern was expressed about the highways issues resulting from the proposed access junction off Chitts Hill. Whilst it was noted that the Highways Authority had not objected to the application, members local knowledge suggested that the proposed junction would increase traffic delays and increase the risk to highway safety. The increase in stationary traffic would also have a detrimental impact on air quality. In addition, members were disappointed to note that Network Rail had not commented on the application despite a number of requests.

Members also sought confirmation about the line of Grymes Dyke and the potential impact of the works on the Dyke and whether moving the access would lessen the impact on the Dyke. Concern was also expressed about the applicability of policy DP12 to the development and the potential problems that could arise from the use of management companies. Further information was also sought about classification of the value of the agricultural land.

In response to members discussion it was explained that in respect of construction traffic, condition 10 would require a construction traffic management plan. In terms of the educational contribution Essex County Council had calculated that the application would generate 28.9 primary school places and 19.3 secondary school places, and the contribution had been requested on that basis. No contribution had been sought in respect of school transport and the area was served by regular bus services. The site was classified as Grade 2 agricultural land. Whilst the classification for the general area was at a high level, when the site was looked at in more detail it had been given a lower classification. There was no scheduled ancient monument on the site. The playground would be a LEAP facility which was designed for slightly older children, and would be located some distance from properties, to protect residential amenity. It was confirmed that the open space would be managed by a management company. The Development Manager noted the concerns expressed about highways safety but stressed that this was not supported by the Highway Authority, who were the relevant authority, on either safety or capacity grounds, and there was no evidence that the proposed access junction would be unsafe. There were therefore no grounds to support a refusal.

A proposal to defer the application for further discussions on the access to the development was proposed and seconded. On being put to the vote the proposal was lost (THREE voted FOR, FOUR voted AGAINST).

A proposal to refuse the application was proposed and seconded on the grounds of impact of the proposal on highway safety and that the application was not in conformity with the current Local Plan. As a motion to overturn an officer recommendation had been made and seconded, the Committee considered whether it should follow the Deferral and Recommendation Overturn Procedure (DROP).

The Development Manager explained that if the DROP procedure was followed that enable officers to provide the Committee with some considered advice on the implications of refusing the application, particularly in respect of the Council's 5-year housing supply. This site was included in the 5-year housing supply and to refuse the application could have significant implications. Officers believed that the Committee could give considerable weight to the inclusion of the site within the emerging Local Plan. In addition, officers considered a refusal based on highways issues would be difficult to sustain at appeal and could leave the Council vulnerable on costs.

Some members of the Committee considered that in view of members local knowledge and the clear concerns that had been reiterated by ward Councillors and the Committee the vote on the refusal should proceed, and that if the applicant appealed the decision, an Inspector was likely to give significant regard to the views of the Committee.

The Development Manager reminded the Committee that its duty was to determine the application in accordance with the Development Plan unless material considerations, backed by sound evidence, indicated otherwise.

*RESOLVED* (FIVE voted FOR) that the application be deferred under the Deferral and Recommendation Overturn Procedure and a report be submitted to a future meeting of the Committee advising on the risks of a refusal of the application on the grounds of the impact of the proposal on highway safety and non-conformity with the current Local Plan.

**717      181458 32 Colchester Road, West Bergholt, Colchester**

The Committee considered an outline application for the erection of 13 dwellings with vehicular access, landscaping, footpath links and other related infrastructure. The application had been referred to the Committee as it had been called in by Councillor Barber, because it was a major application which received objections and because contributions were required under section 106 of the Town and County Planning Act 1990.

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

Chris Harden, Senior Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Councillor Barber attended and, with the consent of the Chairman, addressed the Committee. Whilst he had called the application in, his concerns had now been addressed. All matters were reserved. The application was in line with the proposed West Bergholt Neighbourhood Plan. On more general matters, as a member of the Local Plan Committee, he stressed that the Committee had not made a decision on the evidence for the emerging Local Plan and it was not appropriate to speculate on the outcome.

Some concern was expressed by members that the application had been brought forward before the West Bergholt Neighbourhood Plan had been agreed, and that so little information was available to the Committee. The Senior Planning Officer explained that whilst the Neighbourhood Plan had yet to be agreed, the application was in accordance with the Local Plan. A member of the Committee explained that West Bergholt Parish Council had approached its Neighbourhood Plan very carefully and consulted widely. There was a very high probability that it would be approved.

The Planning Officer stressed that this was an outline application, with all matters of detail to be dealt with at Reserved Matters stage. The Committee requested that the Reserved Matters application be referred to the Committee to determine.

*RESOLVED* (EIGHT voted FOR, ONE voted AGAINST) that:-

(a) the application be approved subject to the signing of a legal agreement under Section 106 of the Town and County Planning Act 1990, within 6 months of 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 complete the agreement. The permission also to be subject to the conditions and informatives set out in the report.

(b) The reserved matters application be referred to the Planning Committee for determination.

## **718 190424 and 190425 Land at East Bay Mill, 19 East Bay, Colchester**

The Committee considered a planning application and application for listed building consent for the construction of three residential units, together with parking, landscaping and associated works, including the refurbishment of the existing Grade 2 listed granary barn. The application had been considered by the Committee at its meeting on 30 May 2019, but the application was deferred for further consideration of the number of parking spaces within the site and further reducing the potential conflict between motor vehicles and other users of the site.

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

Alistair Day, Specialist Planning Manager, presented the report and assisted the Committee in its deliberations.

Nick Hardacre addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. According to Essex County Council's guidance, the scheme should provide 45 parking spaces. Whilst it was pleasing to note that three further parking spaces were proposed, the applicant had not approached the issue in a spirit of compromise. The new spaces were provided at the expense of green space and landscaping, and the Urban Design Officer and Landscape Officer now objected to the scheme on the basis that car parking was now dominant. If the density of the scheme was reduced it would provide more opportunity for a genuine compromise on the number of parking spaces.

Richard Quelch addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application and stressed the wider benefits of the scheme. The site was unkempt, the listed building was damaged and there was anti-social behaviour on the site. The development of the site would address these issues and would help meet the borough's housing targets. It was a brownfield site. Four additional parking spaces had been identified, but officers had reduced this to three. This would give a total provision of 30 spaces, which would exceed expected use. The junction with the National Cycle Route had been improved and a number of the safety measures introduced to improve cycle safety. It was noted that Sustrans were content with the proposals.

Councillor Crow attended and with the consent of the Chairman addressed the Committee. Local residents welcomed the redevelopment of the site but still considered that there was insufficient parking. Only three new spaces were proposed, giving 30 spaces for 23 families which was well below the parking standards. This would lead to increased parking on nearby residential streets. The design of the new buildings was also a concern, as they did not reflect the heritage of the area. In respect of the National Cycle Route, whilst the traffic calming measures were welcomed, further work was necessary as there remained a risk to cyclists. Section 106 contributions from the scheme could also be allocated to the redevelopment of the pontoon.

Councillor Barlow attended and with the consent of the Chairman addressed the Committee. No real attempt had been made to rethink the scheme and the previously stated concerns all remained.

In response, the Specialist Planning Manager explained that in sustainable and accessible locations parking could be provided at a level lower than that specified in the parking standards. The parking provision was above the levels of car ownership locally. There would be a car club within the development and parking on the development would be actively monitored and regulated through the site management



company. Whilst the concerns about design were noted, this had not been raised at the earlier meeting and officers had not looked further at this issue. Whilst it was argued that further parking could be provided if the density of the scheme was reduced, in terms of viability the scheme could not go below 20 units.

In discussion members explored further the safety improvements and traffic calming measures at the junction with the National Cycling Route. Members noted that Sustrans were content with the proposal. Confirmation was also provided that emergency vehicles could access and turn on the site. In terms of parking, members explored whether there was scope for car parking to be located to the rear or underneath the properties, but it was explained that the proposal was for narrow fronted properties in which it would be difficult to integrate garages.

Members also sought reassurance that the redevelopment of the granary would be sympathetic and that its previous use as a barn would be apparent. The Specialist Planning Manager explained that the design would reflect its heritage and some of the existing walls would be retained, despite fire damage. Sufficient fabric from the existing building would be left to retain the character of the building.

The pontoon was previously proposed by former Councillor Laws. Given the viability of the scheme, it is considered inappropriate to require section 106 contributions to support this proposal. The applicant had offered a contribution towards sustainable public transport, including improvements to bus stops and to the Wivenhoe Trail.

*RESOLVED* that (EIGHT voted FOR and ONE voted AGAINST):-

- (a) the planning application and listed building consent be approved and that the Assistant Director for Policy and Corporate be authorised to enter into and complete a legal agreement under section 106 of the Town and County Planning Act 1990 within six months to secure the contributions set out in the report;
- (b) in the event that the legal agreement is not signed within six months of the date of the Planning Committee meeting, the Assistant Director, Policy and Corporate, be authorised to refuse the application.

**719      183046 and 183047 Land to the north of Mill Buildings, Wakes Colne Mills, Colchester Road, Wakes Colne, Colchester**

The Committee considered a planning application and application for listed building consent for the demolition of solid fuel processing buildings, the removal of built up hard surfaces against the north wall of the coach house with associated regrading of the land, removal of the wider coal yard hard surfaces, conversion of coach house to dwelling with single storey extension, erection of a pair of attached dwellings on coal yard; reorientation of yard access road, the erection of detached four bay garage; associated

hard and soft landscaping including improvements to public footpath corridor and biodiversity and implicit change of use from coal years to two residential properties (class C3) with private meadow. The Committee also considered an application for listed building consent for the demolition of solid fuel processing buildings and conversion of coach house to dwelling with single storey extension.

The application had been referred to the Committee because the erection of dwellings in this location would constitute a departure from the Local Plan. Both applications had also been called in by Councillor Chillingworth on the grounds of the effect on the listed building, unsuitable design for the location and dangerous highways access.

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

The Committee undertook a site visit in order to assess the impact of the proposal on the locality and the suitability of the proposal for the site.

Lucy Mondon, Principal Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Matthew Osborn addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of concerned local residents. The potential consequences of the development on the heritage assets surrounding it needed careful consideration. Consideration needed to be given to the impact on the whole setting of the listed building. The officer report failed to do so, neither did it address how significant views would be affected by the development. The new buildings would be 3.6 metre above the ridgeline of the Coach House, which would affect views of the Mill from across the river and from down the valley. There was a statutory presumption against any application which would fail to preserve the setting of a listed building or the character of a conservation area. In this case there would be harm to the setting of the listed building. Heritage concerns were further exacerbated by the failure to notify to Historic England of the application, despite it meeting the relevant criteria. The conversion of the Coach House did not justify the application for two further dwellings, as it could be converted separately to the development of the coal site. This was not an allocated site and was outside the village settlement boundary. Although it was previously developed land, this did not override other concerns. Whilst Colchester had a good track record of housing delivery and protection of heritage assets, but it should not be not so desperate for new housing that it needed to jeopardise this heritage site.

Russell Forde addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He highlighted that he had met with the landowners at the start of the process and the strategy for the application had stemmed from that meeting. The redevelopment of the Coach House could not be

separated from that of the coal yard. There were complex interlinked issues. There had been a number of discussions with planning officers and experts. In terms of the design of the new dwellings on the coal yard, traditional cottages had been ruled out from the outset, in favour of a design that reflected the industrial heritage of the site. They would not be visually dominant. This reflected the advice of the Conservation Officer, who had requested a simple and unadorned design. Their scale was carefully proportionate and would not dominate the Mill complex. The officer report was balanced and comprehensive and addressed all the issues.

Councillor Chillingworth attended and with the consent of the Chairman addressed the Committee. He had called in the applications he wanted to ensure that the views of residents and the parish council were understood. It was accepted in principle that the Coach House could be developed, but the introduction of two new dwellings would cause harm. There were omissions in the officer's report, which had led to an incorrect balance of the planning considerations, leading to a recommendation for approval. The site was outside the village boundary and was only being considered for the development of residential housing on the basis that it was previously developed land It had not been included in the emerging Local Plan. The application stressed the social and economic benefits of the application, but when weighed against the environmental factors necessary for sustainable development, the case was weak. Concern was expressed that Historic England had not been consulted. The Mill was considered to be of national significance. The report recognised that it was the grouping within the Conservation Area that gave the site its character, and this was put at risk. The development would harm the overall setting of the listed building, as viewed from public footpaths. The large, long mass of the new buildings would partially screen some views of the listed building and would been seen as an unsympathetic feature. Concern was expressed that some elevations did not fully demonstrate the design of the new build, nor was there sufficient information about the proposed materials.

In response the Principal Planning Officer explained that although the site had been been discounted from inclusion in the emerging Local Plan, this was because it was not adjacent to a settlement boundary, which was the criteria for the initial sift of sites. This did not prevent it from being considered as a development site. The principle of the development was set out in detail in the report. In terms of the details provided in the application, the level of information provided was not unusual and these issues could be secured by condition. The Development Manager explained that officers had identified and carefully assessed the significance of the heritage assets potentially affected by the application and through negotiation had mitigated the impact. Officers had sought clear and convincing evidence for any harm that could result from the development within the setting of the Mill complex. The officer opinion was that this harm was less than significant and that it was outweighed by the repair and reuse of the listed buildings and the remediation of the contaminated area Therefore the development was sustainable development in accordance with paragraphs 7 and 8 of the NPPF.

In discussion, members of the Committee welcomed the proposed redevelopment of the Coach House and indicated that there were no objections to the granting of the listed building consent. However, concerns were expressed about the proposed design of the new dwellings and their impact on the setting of the Mill complex. It was suggested by a member of the Committee that a cottage design would be more in keeping with the character of the site.

Officers noted the concerns of members and stressed that design was a subjective matter. The applicant was seeking to reflect the industrial heritage of the coal yard with an industrial design aesthetic. A more vernacular approach might have eroded the authenticity of the site by suggesting that cottages had historically been a feature of the site, when this was not the case. The proposed design was designed to honestly reflect the history and narrative of the site. In respect of the issues raised about the need to consult Historic England, this site did not meet the threshold for the consultation.

Some members of the Committee reiterated their concerns about the design of the dwellings and considered that they would harm the setting of the listed building. They identified their concerns as the block form, the height, the materials, which were out of keeping, and the utilitarian design. A member of the Committee suggested that the quality of the build and the finish would be crucial to the success of the development. It was suggested that the application should be deferred for officers to discuss with the applicant a revised design approach to reflect the vernacular approach in the immediate locality. It would also be important for the Committee to be given detailed information about the materials to be used.

*RESOLVED* (UNANIMOUSLY) that in respect of application no 183046 that the application be deferred for further negotiations to secure a revised design approach to reflect a more vernacular approach that better reflected the immediate locality

*RESOLVED* (UNANIMOUSLY) that in respect of application no 183407 that the application be approved.

## **720     182206 Aveley Lodge, Abberton Road, Fingringhoe, Colchester**

The Committee considered an application for the part removal of the existing pitched roof and the addition of an upper floor extension to provide nine new residents rooms and ancillary accommodation. The application had been referred to the Committee because it had been called in by Councillor Davidson.

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

The Committee undertook a site visit in order to assess the impact of the proposal on the locality and the suitability of the proposal for the site.

*RESOLVED* (UNANIMOUSLY) that the application be approved subject to the conditions and informatives as set out in the report.

**721      191036 Papa Johns, 2 Middleborough, Colchester**

The Committee considered an application for a living wall created over the existing façade on St Peter's Street and ivy screen covering ducting at ground level along the boundary.

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

*RESOLVED* (UNANIMOUSLY) that the application be approved subject to the conditions and informatives as set out in the report.

**722      190952 235 London Road, Stanway, Colchester**

The Committee considered an application for the construction of four detached dwellings, two detached cart lodges and a new access. The application had been referred to the Committee because the proposal was a departure from the Local Plan and as the site lies outside the settlement limits in the adopted Local Plan and proposes four new dwellings.

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

The Committee undertook a site visit in order to assess the impact of the proposal on the locality and the suitability of the proposal for the site.

Chris Harden, Senior Planning Officer, and Simon Cairns, Development Manager, presented the report and assisted the Committee in its deliberations.

A member of the Committee expressed concern that the proposal was a departure from the Local Plan. There were a number of the other sites in the areas where housing had been allocated. The proposal to build an additional four houses on the site represented overdevelopment of the site. It was noted that Stanway Parish Council objected to the application.

The Development Manager explained that unique circumstances pertained to the site. It was opposite a major site that had been allocated for development and it was in a highly sustainable location. No significant harm had been identified from the development and it was therefore considered acceptable.

It was suggested that the gate at the rear of the property should be shut off as there was no right of way and accordingly it was proposed that an informative be added to the permission stressing that any grant of planning permission did not infer a right of access to adjacent private land.

*RESOLVED* (EIGHT voted FOR and ONE voted AGAINST) that the application be approved subject prior receipt of the RAMS payment, subject to the conditions and informatives set out in the report and an additional informative that the grant of planning permission did not infer a right of access to adjacent private land.

**723     191141 Former Bus Depot, Magdalen Street, Colchester**

The Committee considered a revision to application 181281 for the redevelopment of the site to deliver student accommodation within a four-storey block to provide 104 bedspaces. The application proposed revision to Block A previously approved under application no. 181281. The application was referred to the Committee as it was a major application and an objection had been received.

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

*RESOLVED* (UNANIMOUSLY) that:-

- (a) the application be approved subject to the signing of a linking agreement under section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting to link the application to the legal agreement for application reference 181281.
- (b) In the event that the legal agreement is not signed within six months, to delegate authority to the Assistant Director, Policy and Corporate, to refuse the application or otherwise be authorised to complete the agreement.
- (c) The Planning Permission to be subject to the conditions and informatives set out in the report and the Amendment Sheet.