

MINUTES
of the
PLANNING COMMITTEE
held on 7 November 2023 at 7pm

Present:

Councillor J. Sosin (Chair)
Councillor S. Dobson (Vice Chair)

Councillors J. Armstrong, J. Frasca, S. Hall, R. Hyland, R. Lee, V. Pappa, E. Sampson, A. Thompson, A. Thorpe-Apps, C. Tron, N. Walsh and P. Wilson

Also Present:

Councillors J. Hawkins and A. Sosin

1. Chair's Announcements

For the benefit of the public, the Chair explained the arrangements for the meeting.

2. Apologies for Absence

Apologies for absence were received from Councillors Lardge and Tron. Councillor Frasca substituted for Councillor Lardge and Councillor Walsh for Councillor Tron. Councillor Tron joined the meeting from Item 7 onwards, replacing Cllr Walsh.

3. Declarations of Interest

All Members were reminded that they must disclose any interests they knew they had in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

4. Minutes

The minutes of the meeting on 3 October 2023 were confirmed as a correct record and signed by the Chair.

5. Public Question Time

Public questions and statements were asked on Item 7 and are detailed under the relevant item. [The statements submitted in advance can be viewed via this link.](#)

6. 23/00195/FUL – Garages Rear of 27 Medway Close, Chelmsford, Essex

The Committee considered an application for six affordable dwellings on an urban brownfield site. The Committee had agreed to defer the application at the last meeting and to attend a site visit to look at issues surrounding safety, access points and privacy concerns. The Site visit had taken place on 3rd November, with all 13 Cllrs that had considered the application at the previous meeting attending, they were also all in attendance at this meeting.

Members of the Committee expressed their thanks to those residents who had spoken at the last meeting succinctly. They also thanked officers for organising the site visit and were in agreement that it had helped to reassure them about the previously raised concerns. Members of the Committee noted that the access into the site was wider and more acceptable in person and that due to the lower height level of the proposed site, there would be more opportunity for the new houses to be overlooked by the existing ones, rather than the other way round. Members also felt the parking situation, whilst not without any impact would only have a slight impact on the existing roads. It was also noted though that in the future, members would prefer parking surveys to be carried out in the evening as well as during the day, officers agreed to look into this for future surveys.

The Committee agreed that the benefits of the application, in terms of providing vital affordable housing and developing a mainly derelict garage site, outweighed the concerns that had been raised. They felt that on balance, the concerns regarding parking pressures, overlooking and the relationships with other properties were not significant enough to refuse planning permission.

RESOLVED that the application be approved subject to the conditions detailed in the report and the conditions on the green sheet.

(7.03pm to 7.23pm)

7. 23/01277/FUL – Essex Stays, 49 Maldon Road, Great Baddow, Chelmsford, Essex, CM2 7DN

Cllr Sosin declared an interest in this item and left the meeting at this point. Cllr Dobson chaired the meeting from that point instead.

Cllr Walsh also declared an interest and left the meeting at this point.

Cllr Tron joined the meeting for the start of this item.

The Committee considered an application for a retrospective change of use to exclusive use self-catering accommodation. The Committee were informed that the application had been called in by a local ward member, so that the impacts of the proposal on highway safety and neighbouring amenity could be considered. The Committee heard that the site was a former public house within a predominantly residential area. The Committee were informed that planning permission had been granted in 2019 for a change of use from A4 (drinking establishment) to C3 (self-catering holiday accommodation). Officers noted that the use envisaged by the applicant had in fact been a Sui Generis use, as currently ongoing, hence the application being considered to regularise the current use. It was noted that as the 2019 permission had not been implemented, the 'existing' or current lawful use of the property was still considered to be as a public house.

Officers informed the Committee, that with the proposed conditions and management plan, there would be no harm to the Conservation Area, highway impacts were considered

acceptable and that impacts on neighbouring amenity were considered acceptable given the context and previous use of the venue. Officers also reminded the Committee that they were considering the suitability of the proposed use in planning terms and that amenity issues arising from the specific users of the venue were instead a matter for the Council's Public Health and Protection Services.

The Committee heard from the agent of the applicant who stated that the previously granted permission in 2019 had lapsed and therefore was not a fall-back position. They stated that the officer's report provided a well-reasoned and detailed analysis of why the application was acceptable in relation to the development plan and why the concerns raised would be mitigated.

The Committee also heard from members of the public who raised concerns. These included loud noise complaints about the venue, issues with parking, the increased potential high guest numbers, the use of the garden for glamping, house rules that did not appear enforceable, and noise complaints not being responded to by the Council adequately.

The Committee also heard from a local ward member. They felt that the current and planned use had and would continue to lead to an increased use of the garden, compared to the previous use and queried the enforceability of the proposed conditions. They also raised concerns with issues being monitored remotely, increased parking pressures and the claim of economic benefits for the local area.

In response, Officers clarified that the impact of the application had to be considered against the lawful outstanding use as a public house, they did not think the proposals would be any more harmful. Officers reiterated that the proposed use was acceptable in planning terms and that the management plan was an enforceable condition. They also stated that in terms of parking issues, the usage as a pub previously would have also generated parking requirements. Officers from the Council's Public Health team, also stated that there was a higher threshold for a noise nuisance than a disturbance and despite increased monitoring and staffing levels, this threshold had not been witnessed by officers since responding to resident complaints. They clarified that they would as required by law, continue to respond to complaints.

Members of the Committee asked questions, including on, the previous complaints and planning permission, the management plan condition and the use of the garden for glamping. In response officers stated that a noise nuisance needed to be witnessed by officers before action could be taken and that there had not been a 'failure' to implement the 2019 permission – the owners had just not implemented it. The Committee also heard that officers could only condition what was necessary, reasonable, related to the development and enforceable. It was felt that the management plan did meet those criteria and noted that permission did not override other statutory legislation, meaning other services could take action on complaints if required. The Committee were also informed that the use of the garden for glamping would have to stop in line with proposed condition.

On balance, the Committee did not feel that the application in planning terms was unacceptable and agreed that the management plan and other conditions were adequate to address the concerns raised.

RESOLVED that the application be approved subject to the conditions detailed in the report.

(7.26pm to 8.25pm)

8. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 21st September and 20th October 2023 be noted.

The meeting closed at 8.26pm.

Chair