

# Planning Committee

Thursday, 05 July 2018

**Attendees:** Councillor Lyn Barton, Councillor Vic Flores, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Chris Pearson  
**Substitutes:** Councillor Paul Dundas (for Councillor Brian Jarvis)  
**Also Present:**

## **605 Site Visits**

Councillors Barton, Flores, Hazell, Higgins, Jarvis, Liddy, Loveland and Maclean attended the site visits.

## **606 Minutes of 24 May 2018**

*RESOLVED* that the minutes of the meeting held on 24 May 2018 be confirmed as a correct record.

## **607 Minutes of 14 June 2018**

A member of the Committee asked for confirmation that the decision set out in minute 601 (Application 180918 United Reform Church, 9 Lion Walk, Colchester) was correct, as it had been reported that the application had been refused. Simon Cairns, Development Manager, confirmed that the minute recorded the decision correctly and that the application had been approved, subject to conditions. A check would be made that the decision letter had been correctly issued.

*RESOLVED* that the minutes of the meeting held on 14 June 2018 be confirmed as a correct record.

## **608 180733 Land adjacent to Armoury Road, West Bergholt, Colchester**

The Committee considered a planning application for a development comprising 26 dwellings, including 30% affordable housing provision, vehicular and pedestrian access from Coopers Crescent, pedestrian access from Armoury Road, public open space and structural landscaping. The application was referred to the Committee as it was a departure from the Development Plan, objections had been received and a legal agreement was required. The application had also been called in by Councillor Lewis Barber. Should the application be approved, the application would need to be referred

to the Secretary of State under the call in procedure set out in the Town and Country Planning Act (Consultation)(England) Direction 2009.

The Committee had before it a report in which all information was set out, and additional information was set out on the Amendment Sheet. The Committee made a site visit to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

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

Paul Millard addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. If the development were to proceed it would make the Maltings Park Road development unsafe and impossible to live in. The existing road which was to be used as the sole access to the development was not of an adoptable standard. It was narrow, with sharp bends and poor sightlines. Many of the properties abutted directly onto the road with no pavement. The increased traffic that would use the road as a result of this development would increase the risk of accidents involving a pedestrian. Access for emergency vehicles was already difficult and refuse vehicles had damaged the kerb whilst manoeuvring. The junction of Maltings Park Road and Colchester Road was a speeding blackspot and there had been two fatalities at the junction. Increasing the use of the junction would only increase the risk of further accidents. There was also a legal requirement to maintain a turning facility at the top of Maltings Park Road. Residents had supported the Parish Council in the creation of the Neighbourhood Plan. This proposal was in contravention of the Neighbourhood Plan and undermined proper strategic planning. The proposals would impose an additional strain on the infrastructure of the village. The development would also destroy a natural habitat for bats, and the section 106 agreement would not undo the environmental impact of the development. The application should be refused and the democratic process upheld.

Richard Sykes-Popham addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application was recommended for approval as the benefits of the proposal outweighed the limited impact it would have. This was supported by the statutory consultees, particularly the Highways Authority. It accorded with all the relevant policies in the Local Plan, and in these circumstances planning permission should be granted. It was on an unused plot of land surrounded by housing. It proposed two or three bedroomed housing which was in line with the needs of the local community. 30% affordable housing would be provided, which indicated that the developer was not just seeking to maximise profit. The development also had more open space than was required, and a significant contribution would be made to local facilities. In terms of the means of access, the roads had been built in the knowledge that this plot of land would be developed and the Highways Authority did not object to the proposal. The developer did have rights of access and a mechanism

would be put in place to ensure that residents of the new development would share the costs of maintaining the roads, should the development proceed. This was a sustainable development and approval should be granted.

Councillor Barber attended and, with the consent of the Chairman, addressed the Committee. He explained that the application was outside of the current and emerging Local Plan. There was no reason to deviate from the Local Plan. The site had only been given an Amber rating in the Strategic Land Availability Assessment. This was a speculative application based on the weakness of the planning system. The Council had a five year housing supply. Should the application be granted it would set a dangerous precedent. The application was rejected by the local community. The applicant had an opportunity to address residents' concerns, but had chosen not to. The Council needed to ensure that Local and Neighbourhood Plans put in place by democratically elected authorities were supported. The proposed development was also outside the village boundary, and the settlement boundary should be respected to avoid coalescence with Colchester.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He explained that whilst he was a ward councillor for Mile End, he had been approached about the development by residents. As former Chair of the Local Plan Committee he was concerned by the application. He considered that the Planning Committee did have grounds to refuse the application. The Committee needed to consider the National Planning Policy Framework and the Local Plan, and take account of the fact that the Council had a five year housing supply. In any case, 26 homes would not make a significant difference to the housing supply. It was noted that the Highways Authority had not objected. There was enough evidence to refuse the application, but any refusal was likely to be appealed.

In discussion, members of the Committee expressed concern that the application site was not allocated for development in the current or emerging Local Plan, nor was it identified for development in the emerging Neighbourhood Plan. Where local communities had produced a Neighbourhood Plan, these should be respected and supported. Concern was also expressed that the proposed development site was located outside the settlement boundary.

Whilst it was noted that the Highways Authority had not objected to the application, members of the Committee also expressed concern about the impact of additional traffic that would be generated by the development on the existing roads in the Maltings Park Road development. Coopers Crescent was narrow and its use by construction traffic would have a significant impact on the amenity of residents. It was noted that the revised transport assessment had only been received on 28 June 2018 and clarification was sought as to whether the Council had had sufficient time to validate it. It was also suggested that the appeal cases referred to in the Committee report were not directly comparable to the circumstances of this application. Confirmation was also sought as to

whether the Highways Authority had visited the site.

Members of the Committee also queried whether there was sufficient drainage capacity for the proposed development and about the impact of the development on the village infrastructure, such as educational facilities.

In response the Principal Planning Officer explained that the revised transport assessment related to access to the development via Coopers Crescent rather than Armoury Road. The figures on anticipated traffic levels were unchanged. The Highways Authority had indicated it was content with the proposed access arrangements. It was understood that it was the Highways policy to visit all application sites. In terms of the appeals cited in the Committee report these demonstrated that it was not sufficient just to demonstrate a five year supply of deliverable housing sites in order to justify a refusal of planning permission. In terms of drainage it was noted that Essex County Council and Anglia Water had raised no objection, subject to the imposition of relevant conditions. In respect of infrastructure, a legal agreement under section 106 of the Town and Country Planning Act was proposed securing contributions towards education, open space and recreation, affordable housing, broadband and community services.

Members of the Committee also explored whether the application could be deemed to be premature. The Principal Planning Officer advised that as the site was not within the Local Plan, the emerging Local Plan or the Neighbourhood Plan it would be considered as an exception, rather than premature. On its own prematurity would be difficult to sustain at appeal.

A proposal was made that the application be deferred for further information including further information from the objectors but was not carried (THREE voted FOR and FIVE voted AGAINST).

The Development Manager stressed that whilst the application was contrary to the spatial allocations in the Local Plan, the Local Plan had to be considered as a whole. If a refusal of the application was to be sustained, the Committee needed to demonstrate the harm that would result from the application. The Committee also needed to weigh any potential harm that would be caused against the benefits that would accrue from the development. In this context it was important to note that there was no highways objection and that no harm to landscape had been identified. Whilst it was accepted that the site was outside the village envelope, it was effectively surrounded by existing developments.

A proposal was then made that the Committee should defer the application under the Deferral and Recommendation Overturn Procedure (DROP) for further advice from officers on the issue of potential harm arising from the development and for the identification of potential reasons for refusal that might be sustainable at appeal.

*RESOLVED* (FIVE voted FOR and FOUR voted AGAINST) that the application be deferred under the Deferral and Recommendation Overturn Procedure (DROP) for further advice on the issue of potential harm that might arise from the development and the identification of potential reasons for refusal of the application that might be sustainable at appeal.

**609      180438 Colchester Northern Gateway, Cuckoo Farm Way, Colchester**

The Committee considered a planning application for the Northern Gateway Sports Hub. This comprised a 2,425 square metre sports centre, a 1,641 square metre club house, 12 sports pitches (comprising two 3G pitches, seven turf pitches and three mini pitches), a 1.6 km cycle track, archery range, recreational areas, 10 ancillary storage buildings and associated earthworks, landscaping, utilities, pumping stations, car parking, access and junction alterations. The application had been referred to the Committee because it was a major application submitted on behalf of Colchester Borough Council, and because it was a departure from the adopted Local Plan which had generated objections from local residents. The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet. In addition a further amendment sheet was circulated at the meeting. The Committee made a site visit to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

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

Alan Edmonds addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that whilst he did not object to the overall development, he did object to its current form. As residents of White House Farm, they were the nearest residential property to the development. They trained horses for dressage and were concerned that noise and visual disturbance from the cycle track would disturb horses and put riders at risk. The assertion in paragraph 15.38 that the cycle track would not have an unacceptable impact on White House Farm was not accepted. There had been no engagement with them to assess the impact. The Masterplan was inaccurate on the location of the western boundary of the site, and the impact of the track could not be deemed acceptable as its location was not yet fixed. The track elevation had now been changed so it would be above their land and the lighting would also be elevated on 10 metre posts, contrary to assurances they had been given that it would be low level. There were also concerns that access to Severalls Lane could lead to parking that would block access to their land and could also pose increased risk to road safety. An accurate location for the cycle track needed to be established that took account of the impact on their amenity. The lighting needed to be reduced in height and appropriate screening on the western boundary be put in place.

Mark Gowridge addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The proposed development would provide public open space and recreational facilities for Colchester and the wider region. The scheme had been designed on Active Design principles, which meant that it had been designed for the needs of all ages and abilities. It was also designed to have a balance between community and elite sports. The Council had worked with a number of national governing bodies on the scheme. The development would be fully accessible. Appropriate conditions were being imposed to protect landscape, ecology and archaeology. The scheme would nestle in the landscape and the buildings linked together well. The impact from noise and lighting would be minimal.

Councillor Barlow attended and with the consent of the Chairman, addressed the Committee in his capacity as Portfolio Holder for Commercial Services. There had been a long process to reach the planning application stage and he thanked Council officers and architects for their work on the scheme. This was an important development for Colchester and the region. The application should be approved as it was a key part of the development for the area and would enable the provision of high quality sports facilities for residents of Colchester.

Councillor Goss attended and with the consent of the Chairman, addressed the Committee as ward councillor. Whilst he supported scheme overall, the Committee needed to take account of the concerns of the residents of White House Farm. The development was also a car centric proposal and he queried whether it did enough to secure pedestrian and public transport access. Whilst it was close to the Park and Ride facility, this was closed on Sundays. Junction 28 of the A12 which would serve the development was already over capacity, with further developments proposed in the area which would add to usage of the junction.

The Senior Planning Officer explained that in terms of traffic impact on the trunk road network, this issue had been carefully considered by Highways England and the Traffic Assessment had concluded that no significant effects were anticipated in terms of driver delay. The development included proposals for highways infrastructure which would help encourage modal shift. In terms of the boundary with White House Farm further work was underway to define the boundary on site. The parking and access issues would be dealt with by conditions which would require parking restrictions to be clearly and carefully signed. The final details of the lighting scheme would also be agreed by condition.

Members of the Committee welcomed the development but considered that more needed to be done to encourage use by non-car users. It was suggested that in order to encourage non car use, electric charging points should be provided for electronic bikes. It was also suggested that a cycle route with a dedicated bridge would also encourage pedestrian and cycle access to the site and help counter congestion. In addition a changing places toilet should be provided in the rugby facility. It was also

suggested that an acoustic fence on the boundary with White House Farm might help address the issues of impact on their amenity. In view of the long term proposals to widen the A12 that the site might need a wider curtilage. Members also expressed concern about the potential impact of pollution from the A12 on the site.

In response, the Senior Planning Officer explained that a condition could be included requiring the introduction of charging points for vehicles, including bicycles. In terms of access for cyclists and pedestrians, the proposed solution was the most appropriate in terms of managing traffic flow. The traffic lights would be on demand rather than sequential and therefore would minimise the impact on traffic flow. Whilst the request for a Changing Place toilet could be raised with the developer he did not consider that this could be required by condition. In terms of the amenity issues with White House Farm, there was no substantive evidence that an acoustic fence was required and an acoustic fence could be quite intrusive in a rural location. The cycle track was unlikely to generate unacceptable levels of noise and was likely to generate less noise than a pitch based sport. The elements of use that were likely to create the most noise, such as the start and finish line, the booth for officials and spectator areas were away from the farm boundary. There would be a significant amount of tree planting on site which would help reduce pollution from the A12. In respect of the southern boundary and the potential impact of widening the A12, there was already some scope for widening as the site boundary did not extend up to carriageway edge.

Members noted the responses from the Senior Planning Officer on the amenity issues in respect of White House Farm and stressed the need for officers to pay particular regard to securing mitigation of any impacts arising on the occupants of White House Farm through the details to be agreed in the discharge of the relevant conditions.

*RESOLVED (UNANIMOUSLY) that:-*

- (a) The application be referred to the Secretary of State as a departure from the adopted Local Plan and thereafter approved subject to the conditions and informatives as set in the report and the two Amendment Sheets together with an additional condition requiring the introduction of vehicle and bicycle charging points;
- (b) Officers pay particular regard to securing mitigation of any impacts arising on the occupants of White House Farm through the details to be agreed in the discharge of the relevant conditions.