

## PLANNING COMMITTEE

### 22 September 2022

<i>Present:-</i>	Councillors Lilley (Chair), Barton, Chapman, Chuah, MacLean, Mannion, McCarthy, Pearson and Warnes
<i>Substitute Member:-</i>	Councillor Davidson substituted for Councillor Tate
<i>Also in Attendance:-</i>	Councillors Arnold, McLean and Scott-Boutell

#### **942. Site visits**

Councillors Barton, Chapman and Lilley attended a site visit in respect of applications 221370 48 Wimpole Road, Colchester and 220600 The Lodge, Osprey Close, Stanway, Colchester.

**Councillor Warnes (in respect of the proximity of his home to the application sites) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

#### **943. 213530 and 213531 Land West of Peldon Road, and Land Adjacent Boreleys, Peldon Road, Abberton CO5 7PB**

The Committee considered two applications for outline planning permission for up to 50 new dwellings; a new vehicle drop-off point/ pick up point; and access to Peldon Road with all matters reserved, except access, and an outline application for the erection of five dwellings. The applications were referred to the Planning Committee as they represented a departure from the adopted Development Plan and in the case of the larger application the signing of a legal agreement was required, and objections had been received.

The applications had been considered at the Planning Committee meeting on 16 June 2022, when the applications were deferred for further consideration of the following issues-

- Improved turning area and drop off point in the school grounds.
- Crossing point between two site allocations in policy S1 and whether the safe delivery of a controlled crossing was possible at an affordable cost.
- Possible site B footway link to the Public Right of Way.
- Possible options for further road calming measures on Peldon Road.

The applications had then been due to be considered at the Planning Committee on 8 September 2022 but the meeting had been adjourned due to the death of Her Majesty the Queen.

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

Simon Cairns, Development Manager, presented the report and assisted the Committee in its deliberations. He explained that since the last meeting, a NHS contribution had been

agreed from site A. In terms of site B, the continuation of the footway along the site frontage to join the footway to the north and provide a continuous pedestrian access was agreed. In addition, condition 29 was revised to provide for the alternative scenarios for parking and a pickup/drop off facility either in the grounds of the primary school or if that should not be deliverable, within application site A. If the Committee was concerned about the details of this element, it could request that the reserved matters be referred back to the Committee for determination. Whilst concerns had been expressed about the lighting of the footpath to the north of site B, condition 28 provided for the upgrading of that footpath and this could include investigating the possibility of lighting. However, it was possible that this could have some impact on amenity of nearby residential properties. It would be possible to introduce a local lettings policy for the affordable housing units on site A. In respect of issues relating to the safety of the crossing point on Peldon Road, Martin Mason of Essex County Highways, was in attendance to explain the Highways advice and to answer members queries.

Dr Simon Dougherty addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application for site A. It was noted that the Local Plan required that the development should address congestion associated with the Primary School through the provision of a new drop off/pick up area outside the school. It had been anticipated that the east site, next to the school, would be used for the drop off area. However, the application placed this and the development of 50 houses, on the west site. Whilst the school supported the drop off area within school grounds, this was still subject to negotiation with Essex County Council. If these discussions failed, then the fallback position was for 10 spaces on the west side of Peldon Road. This was unacceptable. The assumptions underpinning the technical document used to justify this were not accepted and failed to properly quantify the risk. The fallback drop off was in the wrong location and was too small. Parents would continue to park on roads adjacent to the school, which would impact on residents and fail to meet the recommendations of the Local Plan. If the fallback solution were to become the final choice, it must be brought back to the Planning Committee for further consideration. The Parish Council had taken the initiative on proposed development since 2016. It had highlighted the need for additional parking and had explored the issue with Essex County Council, providing evidence on the numbers of pupil brought to the school. Local needs should be taken into account as the development would make the biggest change to the village for a generation.

Andrew Ramsome addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application for site A. Following the Committee's consideration of the application on 16 June 2022, the only outstanding matter was in respect of highway safety. The applicant had met with Colchester Borough Council, Essex County Council and the Parish Council to discuss highways issues and agree a way forward and following these discussions a Technical Note had been submitted to address the concerns raised by the Committee. This had been reviewed and agreed by Essex County Council and therefore there were no highway safety issues arising from the application. Essex County Council did not support the provision of a crossing as it considered this would increase the risk to highway safety and due to the lack of space to accommodate it. The application also proposed a package of mitigation measures including signage, which would help to reduce road speeds on Peldon Road. The applicant had also agreed a condition for the provision of a school drop off point.

Mark Jackson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application for site B. The application sought outline planning permission for 5 dwellings, with all matters reserved except access. The application had been deferred for further investigation into the footway link to the public

right of way. Following confirmation of the extent of the public maintainable highway in the vicinity of the site, revised plans had been submitted showing a new footway link on the east side of Peldon Road from the application site to the public right of way. The plans were considered acceptable by officers of both councils. It was proposed that this be secured by condition, and this condition was acceptable to the applicant. The applicants had been advised that the school did not require a link through the school to the playing field. The proposals accorded with the Local Plan and the National Planning Policy Framework and permission should therefore be granted subject to the conditions in the report.

In discussion, members of the Committee expressed continued concerns about visibility and the ability for pedestrians to cross Peldon Road safely. People coming from the school in winter or at night would have extremely limited visibility of oncoming traffic and consideration should be given to the provision of improved visibility splays, especially as there was a speeding issue on Peldon Road. Attention was drawn to Essex County Council's Vision Zero document on highway safety. Confirmation was sought on the detail of the proposed road signage and whether this would provide notice of the school.

Two standard streetlights should also be provided near the crossing point. Most of the activities in the village and communal facilities were on the east side of Mersea Road so residents of site A would need a safe pedestrian access to that part of the village and therefore low level lighting should be provided on the footpath. It was important that the footpath respected desire lines. Support was expressed for the concept of a local lettings policy for four affordable units on site A and for the suggestion that the reserved matters be brought back to the Committee so it could be assured that they were in accordance with the Local Plan.

The Development Manager responded and highlighted that a controlled crossing was not proposed as the Highways Authority did not support it on safety grounds. The upgrading of the public right of way was covered by condition 28, which could include the provision of low level lighting. Site B was now connected by an agreed footway to the school and the wider village. In terms of signage, the agents had indicated that they would be happy to support further safety signage on Peldon Road. Condition 29 addressed the Local Plan site allocation requirement for a pick up and drop off facility at the school. Essex County Council were conducting a feasibility study, but if it was not possible an alternative facility could be provided within site A. This would form part of the reserved matters which could be reported back to the Committee. Therefore, the only outstanding matter was the controlled crossing on Peldon Road which Essex County Council Highways was best placed to advise on.

Martin Mason, Essex Highways, explained that Vision Zero was not a document that planning applications were judged against. There were clear development management policies against which applications were measured and highway safety was the key consideration. In terms of the crossing point the advice given to the Committee in June was that it was as safe as they could make it. It was appropriate to the local environment and the quantum of development proposed. Since then a Technical Paper had been prepared by the applicant, which gave evidence why the crossing was considered to be safe. However, highway safety remained a judgement for the Highway Authority, and it remained their view that this was as safe as it could be made. A controlled crossing would not be appropriate in this location. These were more appropriate for urban and suburban areas, where they would be used regularly. Where not used regularly they tended to increase the risk to highway safety. The road was already relatively narrow so there was no need to provide a central island. In terms of signage, the Highway Authority was seeking to

reduce signage in order to reduce clutter and to minimise maintenance. However, he would be content to investigate further the proposal that the existing signage be moved, so long as it was not detrimental to highway safety.

*RESOLVED (UNANIMOUSLY)* that application 213530 be approved subject to the signing of a legal agreement under section 106 of the Town and Country Planning Act 1960 within 6 months from the date of the Committee meeting. In the event the legal agreement was not signed within 6 months, authority be delegated to the Assistant Director to refuse the application, or otherwise be authorised to complete the agreement. The contribution of £30,300 towards primary healthcare services to be added to the planning obligations to be secured via the legal agreement together with a local lettings cascade for four units of affordable housing and possible ward contribution for sport and recreation to Abberton Cricket Club. The permission to be subject to the conditions and informative as set out in the report, including the amendments to condition 29 and the removal of condition 31, together with an additional condition to cover secure a scheme for road safety signage for the school and a gateway feature at the access to the site. The reserved matters to be referred back to the Committee for determination.

*RESOLVED (UNANIMOUS)* that application 213531 be approved subject to the conditions and informatives in the report, including the amendment to condition 10, and an additional condition for a sport and recreation contribution towards Abberton Cricket Club.

#### **944. 221902 Land Werst of Cross Cottages, Boxted**

The Committee considered an application for the removal or variation of condition 2 following the grant of planning permission 220148. The application was referred to the Planning Committee as Colchester Borough Council was the applicant.

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

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

#### **945. 221730 48 Wimpole Road, Colchester CO1 2DL**

The Committee considered an application for the change of use for a Home in Multiple Occupation (HMO) comprising of 6 bedrooms to an HMO comprising 7 bedrooms. The application was referred to the Planning Committee as it had been called in by Councillor Pam Cox for the reasons set out in the report.

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

John Miles, Senior Planning Officer presented the report to the Committee and assisted the Committee in its deliberations.

Councillor McLean attended and with the consent of the Chair addressed the Committee. The application had been called in following concerns expressed by neighbours. Parking on Wimpole Road and neighbouring roads was already at full capacity and this development could potentially result in a further seven vehicles looking to park in the area. The property was not built to accommodate seven residents and struggled to accommodate six. Adding a further bedroom would turn it into a slum with residents

crammed into tiny living spaces. Residents would therefore experience a poor quality of life and poor mental health, which would impact on local health services. HMOs typically housed a transient population who tended not to integrate into the local community and therefore the expansion of this HMO would have a negative impact on the local community.

In response the Senior Planning Officer explained that the Parking Partnership had advised the property was in a zone that required a parking permit and was eligible for two parking permits. This would be the case if it were a private residential home or an HMO. The limit of two parking permits was designed to prevent over-subscription. They had not received complaints that residents were unable to park in this zone. In addition, there were two onsite parking spaces proposed. It was in a sustainable location and there was no highways objection.

In terms of living standards, six of the rooms were en-suite. The Private Sector Housing Team had been consulted and the application had been assessed against the Essex HMO Amenity Standards. All rooms complied with these standards. The HMO would need to be licensed by the Private Sector Housing Team, who would ensure proper management.

In discussion, the Committee noted that the property was already a six bedroomed HMO, which appeared to be well maintained and was in a sustainable location. The key consideration was the additional impact that would be caused by an additional bedroom. A member queried whether any controls on tenants could be imposed to prevent rooms being let by families or couples, and whether the minimum space standards would be met if any of the rooms were occupied by two people. Some concern was also expressed that whilst a communal dining/living area there was no communal recreation space. It was also suggested that condition 5 in respect of cycle parking be amended so that it was provided in perpetuity.

The Senior Planning Officer explained that proposed conditions limited occupancy to seven people. Occupancy would also be controlled by the licence issued by the Council's Private Sector Housing Team. In terms of living space, the kitchen/dining room was the communal living space, and in size it was double the minimum standard.

*RESOLVED (UNANIMOUS)* that the application be approved subject to the conditions and informatives in the report, subject to the addition of the words "in perpetuity" to condition 5.

#### **946. 220600 The Lodge, Osprey Close, Stanway, Colchester CO3 8WA**

The Committee considered an application for the change of use from private residential to 3 bed children's home. The application was referred to the Committee as it had been called in by Councillor Scott-Boutell for the reasons set out in the report.

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

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

Gareth Floodgate addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition. He was pleased that the Committee had made a site visit, although the visit had been undertaken during the day when traffic was quiet and demand for parking was low. Highways continued to object to the proposal on basis that were existing significant parking issues. There was already a red route in place at

residents' request, yet there were still obstructions to traffic, which increased the risk to highway safety. The application was vague in many respects. It made no reference to impact on local schools which were already oversubscribed. It implied that transport to schools would be required which would increase congestion. There was no upper limit on the number of children to be placed and a profit making company would look to maximise the use. The safeguarding of young children in the area had not been assured. There was no provision for waste collection and commercial waste collection bins would reduce car parking space and could lead to loss of amenity through collections at anti-social times. The applicant did not have sole entitlement to the car parking spaces on Dove Court, which could be used by all residents on the estate and were nearly constantly occupied. The proposed use would be a breach of the deeds of the covenant for the property, which restricted use to a private dwelling. The company had no trading history, no license and no staff. The application showed complete disregard for the wellbeing and amenity of neighbours.

Nyasha Mapuranga addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. As the Responsible Individual and a Director of Agnes Grace, she was a registered nurse with twenty years' experience of health and social care management. The Manager had been working in children's care for six years and held a Level 5 Health and Social Care Diploma and would need to be registered with Ofsted. There was a need for such accommodation in the East of England. Local authorities were under a duty to place children within a 20 mile radius of their home but in Essex this was only achieved in 35% of cases. This impacted on the workload of social workers and children's wellbeing. The home would provide employment in the area. Children admitted to the home would be risk assessed to ensure it met their needs. Staff employed at the home would be qualified and trained in behavioural management. Children would be supervised at all times. During the day there would be two staff members and a manager on site. The property had two parking spaces and she also paid for the use of spaces on Dove Court. There was also on street parking and public transport links. The home would allow children to thrive holistically as it was close to schools, colleges and university, plus access to healthcare and shopping facilities. The use would provide a positive impact on children in need.

Councillor Scott-Boutell attended and with the consent of the Chair addressed the Committee in opposition to the application and highlighted the objection from Essex Highways. The objection it had lodged in April was made on strong grounds as set out in paragraph 8.3 of the report. This included concerns about the level of parking provision for staff and visitors, which was likely to lead to parking in the highway, particularly during shift changes. This would lead to danger, congestion and obstruction. The location was not easily accessible by public transport. Dove Court was not adopted but parking there would lead to similar issues. She endorsed these arguments. Osprey Court was a throughway and she had worked hard with residents and the Parking Partnership to have it designated as red route. This had improved traffic movements, but any extra pressure would lead to a recurrence of traffic flow problems. Parking in Dove Court would lead to obstruction and neighbourhood complaints. Neither Osprey Close nor Dove Court were designed for this level of activity. Highways had commented further in August that the refusal still stood and comment further on the paucity of bus services in the area. The additional spaces claimed by the applicant were visitor spaces for Dove Court. The suggestion on sharing and carpooling were not enforceable. Clarification was sought on waste storage and collection arrangements. The Committee should follow Highways advice and refuse the application.

The Senior Planning Officer responded and explained that when he had visited the site whilst there was parking on verges, there was on road parking space available. The

comments made about schooling would apply to the extant planning permission for the property. In terms of waste collection, the details would need to be submitted to the Planning Authority for approval but the noise and disturbance were unlikely to be different from a private residential dwelling. The applicant did not have sole rights to the visitor parking spaces but the numbers of visitors were unlikely to be very different from a private residential dwelling. The access to the property was good so change over times were unlikely to be disruptive. The issue of the covenant was a private issue and not a material planning consideration. In terms of the concerns around safeguarding, the children would be placed by Essex County Council who would consider their suitability for the property, and it would also be licensed through Ofsted.

The Highways objection had been seriously considered but he did not consider that it justified refusal on highways safety or parking provision grounds. The site had two parking spaces for staff, and visibility was good. There were public transport links. The impact of the use in highways and parking terms use would not be significantly greater than a private residential dwelling.

In discussion, members of the Committee expressed sympathy for the intention of the application and noted the need for this type of use. However, some doubt was expressed as to whether this was the right location and the Highways objection was noted. Members with local knowledge stated that the area was very congested in morning and evening with cars parked on both sides of Osprey Close. Buses did not serve Osprey Close. Concern was also expressed that as a result of the impact on neighbours that children using the home would not be able to integrate well into the community.

Clarification was sought as to whether the two parking spaces in the control of the property together with one visitor space would meet the parking standards. It was noted that the advice given to the Committee was that significant weight should be given to the opinion of experts, and that where the Committee was minded to make a decision contrary to expert opinion, it should have evidence to justify this. Clarification was sought from officers as to whether they were confident that there was evidence that could counter the Highways objection.

The Development Manager explained that the impact of the proposed use in terms of highways would not be materially greater than for a three bedroom dwelling. The Committee could consider issuing a temporary consent for a period to allow evidence of the impact of the use to be evaluated. If the use did lead to problems the Committee could then refuse to extend the use. The Committee could defer the application to explore whether the applicant would consider a temporary consent.

In further discussion, some members expressed the view that the impact of use was unlikely to be significantly greater than the existing use as a three bedroom dwelling. However, there was sympathy for the views of the objectors and it was felt that a temporary consent for a period of two years would give sufficient time for the use to be effectively monitored. A period of two years would give time for the use to be established as the County Council may not be prepared to place children if the consent was for too short a period.

It was proposed that the application be deferred for further discussion for officers with the applicant to establish how long it was likely to take for the use to be established and to obtain the necessary permissions from Ofsted. This would then allow for suitable period for a temporary permission to be granted. It was also suggested that the case officer could clarify the advice on the Highways objection in the report. However, officers explained that

the issues in respect of the Highways objection were fully explored and there was little that could be usefully added.

It was also proposed that an independent survey of on street parking in the locality through peak periods and over a significant period of time be undertaken to help the Committee understand the likely impacts of the use.

*RESOLVED* (UNANIMOUS) that:-

- (a) the application be deferred to the submission of an independent parking survey of on street parking in the locality and for further discussion with the applicant regarding project initiation timescales and whether a temporary consent would be acceptable.
- (b) The application be referred back to the Committee for determination once the further information was received.

**Councillor Lilley (in respect of the proximity of the application site to his home) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**947. 221639 Century House, North Station Road, Colchester C01 1RE**

The Committee considered an application for 4 corten steel planters containing trees to be located on the footway/walkway outside Century House, North Station Road. The application was referred to the Committee as the applicant was Colchester Borough Council.

The Committee had before it a report in which all 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.

Sir Bob Russell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. There had been no consultation with residents or traders on North Station Road and they were unaware of the cost of the project or that it involved rust coloured planters. Whilst he was in favour of tree planting, and North Station Road previously had a avenue of trees, he did not support planting in rust coloured boxes. It would be cheaper to replant where trees had been previously. He endorsed the comments of Councillor Goacher in calling the application in. The application should be deferred for proper consultation with businesses and the CO1 Residents Association.

Jane Thompson, Sustainability and Transport Lead for Colchester Borough Council, addressed the Committee in support the application. Traders had been consulted and the Residents Association informed of the application. The application was part of the second phase of the Fixing the Link project. It would help restore the character of North Station Road as a tree lined avenue. Fixing the Link was joint project with Great Anglia and Essex County Council aimed at improving the link between North Station and the town centre. This included better signage, flags indicating the route and information plaques. Other elements on phase two included lighting on the Albert Roundabout and improvements to North Bridge. Consideration had been given to planting trees into the ground, but this would need approval from Essex County Council and in discussion they had agreed with approach in this application. Essex County Council were planning walking and cycling



improvements in the area and therefore did not want to introduce potential obstructions at this stage.

In discussion, members of the Committee expressed concern about the appearance of the planters, particularly the colour, together with the need for ongoing maintenance and the possibility they might be vandalised. There were also concerns about the square shape of the planters, which could cause an injury if someone should fall against a corner. It was considered that a circular approach would be preferable. It was also felt that the introduction of planters was inconsistent with the ban on advertising boards.

In response the Senior Planning Officer explained that overall the introduction of trees would be an improvement to the character of the area and considered that on balance, circular planters would be an improvement. The Development Manager explained that whilst the Committee might wish to see trees planted in the ground, at present the County Council would not licence this. The Committee could seek to amend the shape of the planters. Corten steel was a high quality product and corten steel structures had been well received elsewhere.

*RESOLVED (EIGHT voted FOR, ONE voted AGAINST and ONE ABSTAINED from voting)* that the application be approved subject to the conditions and informatives in the report together with the submission of a circular planter design and consultation with neighbours, including traders and the CO1 Residents Association