

# Planning Committee

Thursday, 28 July 2022

<b>Attendees:</b>	Councillor Nigel Chapman, Councillor Michael Lilley, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Leigh Tate, Councillor Martyn Warnes
<b>Apologies:</b>	Councillor Lyn Barton, Councillor Helen Chuah, Councillor Steph Nissen
<b>Substitutes:</b>	Councillor Paul Smith (for Councillor Lyn Barton), Councillor Lesley Scott-Boutell (for Councillor Helen Chuah)

## 935 Minutes of Previous Meeting

The Minutes of the meeting held on the 25 May 2022, 26 May 2022, 16 June 2022, and 7 July 2022 were confirmed as a true record.

## 936 211510 Colne Quay, Land to the East of Hythe Quay, Colchester

**Councillor Lilley declared a pecuniary interest in the following item as he had previously spoken against the item when it had previously been before the Committee. Councillor Lilley advised members that he would be leaving the room for the entirety of the item.**

Councillor Lilley left the room prior to commencement of item 211510 and in the absence of the Chair and Vice Chair nominations were sought by the Democratic Services Officer for a Chair for item 211510 only.

It was proposed and seconded that Councillor Sam McCarthy be appointed as Chair for item 211510.

RESOLVED (UNANIMOUSLY) that Councillor Sam McCarthy Chair item 7.1 (211510).

The Committee considered a full planning application for the demolition of existing buildings and construction of student accommodation blocks to provide student studio apartments, internal communal areas, staff offices and associated facilities, a substation, landscaping, works to river wall, changes to access and parking. The applications were referred to the Planning Committee as it had previously been called-in by Councillor Lee Scordis for the following reasons:

1. Loss of light and overshadowing from large buildings
2. Loss of privacy for flats currently in place
3. Conservation of a wildlife area
4. Parking issues likely to arise

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

James Ryan, Planning Manager, presented the report and assisted the Committee in its deliberations. A presentation was given outlining the changes to the scheme since the item had been deferred earlier in the year for the reasons of scale and access of the proposal. It was noted that these changes included:

- That the height of the building had been reduced by two-storeys bringing the proposal to 8 storeys tall.
- Additional parking bay for deliveries and servicing of the buildings
- Bin storage facilities are now available in both buildings
- Cycle parking had been moved on site to be closer to the university
- The footpath will be widened between the footbridge and the Hythe quay
- Increase in amenity space for students to use
- There is now 906sqm of amenity space on the ground floor for students to use
- Solar/ biodiverse roof on the proposal.

The Committee heard that the proposed studio flats would include en-suite facilities, a kitchenette and access to a larger kitchen with shared facilities within the building. It was noted that there had been a change to the suggested contributions so the Transport and Sustainability sum of £50,000 would go towards a pooled contribution pot directed at finding a solution to the flooding issue that occurs in Haven Road (rear of the Maltings). The Committee were shown a video outlining the main features of the proposal and the changes that would have to take place including the works to the river wall which was estimated to cost £1.2 million. The Area Manager concluded that the officer recommendation was for approval as detailed in the Committee report.

Simon Talbot (Applicant) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of application 211510. The Committee heard that the application area was a brownfield site with no active use and outlined that national and local policies encouraged the use of brownfield land for redevelopment. The Applicant outlined that the proposal would rebuild the river wall and had focused on the reduction in height as requested through from the deferral which lowered the development by two storeys. It was noted that further elements of the proposal had been changed in response to the deferral and had worked to improve the impact on the immediate surroundings and neighbours by moving the proposal as far away from existing developments as possible.

With the permission of the Chair, Councillor Adam Fox addressed the Committee. The Committee heard that the application had been called in by a fellow ward Councillor and that it had been done so for the reasons of loss of privacy and conservation of the site. The visiting Councillor noted that some residents may not be happy with the proposal but the applicant had undertaken a lot of work to address the issues and the unsightly nature of the area in its current state. The Committee heard that the applicant had genuinely listened and adapted the development such as brown roofing and would provide a long-term solution for the area which looked unsightly when the tide went out. The visiting Councillor concluded by confirming that the proposal would be in-keeping with the wider area, that support would be given to the Hythe Task Force and additional funding for resolving flooding issues, and that the purpose-built student accommodation would stop students using family style homes in the area and encouraged support for the application.

At the request of the Chair the Area Manager responded to the points that had been raised by public speakers and visiting Councillors. The Committee heard that the proposal was for specific student accommodation but would count towards the Councils five-year land supply.

The Democratic Services Officer read out the following Statements from Councillors Julie Young and Tim Young as follows:

Councillor Julie Young:

*Dear Planning Committee*

*You will be considering the revised application submitted by Beyond the Box in relation to Hythe Quay at your committee on the 28th July 2022. I can speak from my personal experience of Beyond the Box working within Greenstead ward when building additional student accommodation at Avon Way House.*

*This company is really prepared to work with the local community to achieve their building project not only at the application stage but on an ongoing basis. They are not the type of developer who shrugs their shoulders when problems arise but will actively work with you to eliminate issues as they arise.*

*During the history of this proposal there have been significant changes made to respond to issues raised by the committee and also with the community, Beyond the Box should be commended for these revisions. Not all developers respond so positively.*

*Although some views will be affected by existing residents there are some significant benefits on offer such as the Piasa opposite the Spinnaker Pub which creates a social space for residents new and old, the investment in the River wall which is imperative to the stability of this stretch , the cash in the 106 agreement to support a much needed flooding solution and the sustainable travel options and improved public realm. All of these items are worth having. Accommodation around the river at this location is of a similar type in terms of scale and I think this scheme will bring benefits to the area.*

*The decision rests with the planning committee of course but I would support approval.*

Cllr Tim Young:

*Beyond the Box has demonstrated its credibility and trustworthiness in other schemes (including Avon Way House) and they are a local developer of quality accommodation and high principles.*

*They are a pleasure to work with because they listen and act according to local needs and concerns. They have clearly taken on board the issues raised at the previous Planning Committee and the modified proposals with the s106 commitments make this application very acceptable.*

*It is a development that neighbours Greenstead Ward and will affect some of the views from 'our' side of the river however the view at the moment is of an unattractive wall and derelict wasteland and the proposed development is not out of keeping with the buildings opposite.*

*I live in the area and, given the mitigation promised and the reputation of this developer, I have no hesitation in supporting approval.*

RESOLVED (by SEVEN votes FOR and ONE vote AGAINST) that the applications be approved subject to the conditions and informatives and Section 106 agreement in the report.

#### **937            220595 School Road, Langham, Colchester**

Councillor Lilley re-joined the meeting as Chair following the completion of 211510 but before the commencement of 220595.

The Committee considered an outline application for the erection of 30 houses with a new access onto School Road, Langham with all matters reserved. The application was referred to the Planning Committee as the development proposed would constitute a major application; requiring a S106 agreement. Furthermore, a number of objections have been received raising material planning considerations.

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

Hayleigh Parker-Haines, Planning Officer, presented the report and assisted the Committee in its deliberations. A presentation was given outlining the application site and the surrounding area and that the officer recommendation was for approval as detailed in the committee report.

Paul Armstrong addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in objection to the application. The Committee heard that there was a severe issue of foul water disposal in the area and that commencement on previously approved proposals under policy SS9 should not commence until the issue had been resolved. The speaker outlined that if the development was approved then 112 of the 160 would be delivered 11 years ahead of schedule and that there was a significant pollution currently with raw sewage flowing into homes. The speaker concluded that no development should take place until the

sewage capacity was available to protect amenity of existing and potential residents.

At the request of the Chair the Planning Officer responded to the points that had been raised by the public speaker. The Committee heard that Anglian Water were currently working with the Environment Agency and would complete improvement works by 2025 and drew the Committee's attention to condition 18 that required that no development would commence on the site until a detailed wastewater strategy had been approved by the Local Planning Authority.

In response to a question from the Committee the Planning Officer and Development Manager advised the Committee that the wastewater strategy would only allow development to commence on site once it was confirmed that the sewage system had capacity to accommodate the dwellings.

Members of the Committee debated the application on the issues including: the wastewater provision in the area and how this had been a serious issue for the area for a number of years, whether the condition would ensure that capacity would be made available, the timescale for development and the completion of the Section 106 Agreement.

The Democratic Services Officer read out the following Statement from Councillor Lewis Barber:

*I would urge the committee to defer this application until such time that the infrastructure for foul drainage for this development is suitably addressed.*

*It sends the wrong message should this authority pass permission whereby the nearby centre does not have capacity to treat the flows. The fact the required upgrades are not going to be completed until 2025 is, if this permission is passed, an unwelcome example of housing going in before infrastructure.*

*I urge you to consider this when making your decision. You will no doubt have the issue of an appeal raised. However, fear of permission being granted on appeal is not a convincing reason to give permission this evening. We must be clear that key infrastructure should be delivered prior to permission. I also note that Essex County Council Place Services have made an objection and this should be taken into account too.*

Following the statement being read out the Planning Officer responded that the objection from Place Services was based on the incorrect plot of land, but further surveys would be undertaken to confirm status of the site prior to the commencement of any works.

The Development Manager asked the Committee to add the additional delegation that would allow the Development Manager to allow minor changes to conditions wording.

RESOLVED (by SEVEN votes FOR and TWO votes AGAINST) that the application be approved subject to the conditions and informatives and Section 106 Agreement in the report and amendment sheet with the additional delegation to the Development Manager to allow minor changes to conditions wording.

**938            221174 Roman Circus Archaeological Site, Flagstaff Road, Colchester**

The Committee considered an application for the erection of an interpretation panel containing historical information and graphics at the Roman Circus Archaeological site, Flagstaff Road. The application was referred to the Planning Committee as the applicant was Colchester Borough Council.

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

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions and informatives detailed in the Committee report.

**939            220921 Land opposite, Magpie Chase, Stanway, Colchester, CO3 8WB**

**Councillor Warnes and Councillor Tate (in respect of their positions as a Directors of Colchester Commercial Holdings Limited) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5)**

The Committee considered an application for the construction of an overspill car park. The application was referred to the Planning Committee as the applicant (Colchester Amphora Trading) is a subsidiary of Colchester Borough Council.

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

Lucy Mondon, Planning Manager, presented the report and assisted the Committee in its deliberations. A presentation was given outlining the previous application that had been approved on the site and was currently under construction and that the proposal before the Committee was for additional car parking on the site. The Planning Manager concluded the presentation by outlining the officer recommendation that delegated authority is given to the Development Manager to approve the application subject to the response from Essex County Council as the lead flood authority and any conditions as required.

Paul Dundas (Stanway Parish Council) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support to the application. The Committee heard that the when the application had been revised and approved previously the additional car parking spaces had been overlooked and not included in the proposal.

The Parish Council representative outlined that whilst other forms of transport would

be used to access the site many people would drive and park on the site for events such as weddings. The speaker concluded by outlining that if the parking was not approved then it would lead to parking on residential areas and that if the application was not approved the development would become unsustainable.

Members debated the application on the issues including: the access to public transport in the area and speeding that had been noted in the area. Some Members were concerned that the additional car park could encourage anti-social behaviour and that new car park was not providing any additional disabled parking spaces.

At the request of the Chair the Planning Manager responded to the points that had been made by the Public Speaker and in the debate. The Committee heard that there was currently a proposal in the works for a crossing on the Stanway Western Bypass, that there was no proposed additional disabled parking in the proposed overspill car park but there was disabled parking, electric vehicle charging points and cycle parking points agreed on the previous application. The Planning Officer confirmed that an informative note could be added to the decision to encourage further disabled car parking spaces on the overspill car park.

The Planning Manager responded to further questions from the Committee on issues including: the maintenance of the overspill car park and that the operation of the site including security on the site would be managed by the site manager.

RESOLVED (UNANIMOUSLY) that the Delegated Authority was granted to address the Lead Flood Authority holding objection (in relation to Sustainable Urban Drainage) and apply or modify any conditions as necessary. Subject to drainage matters being resolved, APPROVAL of planning permission subject to conditions.