

Planning Committee

Thursday, 17 February 2022

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Robert Davidson, Councillor Pauline Hazell, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Martyn Warnes

Apologies: Councillor Michael Lilley, Councillor Beverley Oxford

Substitutes: Councillor Dave Harris (for Councillor Michael Lilley), Councillor Gerard Oxford (for Councillor Beverley Oxford)

898 Minutes of Previous Meeting

The Minutes of the meetings held on the 20 January 2022 were confirmed as a correct record.

899 211510 Colne Quay, Land to East of Hythe Quay, Colchester

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 application was referred to the Planning Committee because it was a major application with objections, a legal agreement and has also 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 and amendment sheet in which all information was set out.

James Ryan, South Team Planning Manager (STPM), presented the report and assisted the Committee in its deliberations. A presentation was given outlining the location of the site within Colchester, the red line plan of the site including the current condition of the site which had been vacant for the past fifty years. The STPM detailed the proposed buildings on the site and the heights of the buildings compared to the existing built developments in the area and those that had been previously approved. The Committee heard about the internal design of the buildings, the layout of the studio flats and the facilities on site. The Committee were shown photos of the existing site including the sea wall that was degrading and tidal nature of the surrounding area as well as the Public Right of Way which was currently impassable. The Committee were also shown Computer Generated Images (CGI) of how the proposal would look when completed and its relationship to the surrounding area. These included the tower blocks, the tidal terrace area and the associated public space surrounding the area. The STPM detailed how the proposal surpassed the

required sustainability criteria which included Photovoltaic panels, insulation, limited parking and electric car charging facilities. The Committee also heard that there was a biodiversity net gain on the site with further works being conducted to the basin through dredging out of the Colne. The STPM outlined the access arrangements to the site for cyclists and the improvements this would bring to the connectivity of the area and concluded with the recommendation of approval as detailed in the Committee Report and Amendment Sheet.

Rod Isbister addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in objection to the application. The Committee heard that the support for the proposal had been manipulated and was not reflective of the local communities views and that there was a conflict of interest between the staff and students commenting on the application. Members heard that there was concern that an application was being made close to residential development and not closer to existing student accommodation. The Objector raised concern regarding the height of the building and the impact that this would have on the light and residential amenity of existing residents through overshadowing. The Objector concluded by drawing the Committee's attention to the lack of parking on the site and the impact this could have on the surrounding road network.

Simon Talbot (Applicant) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that the applicant had previously been before the Committee on a separate application which had since been implemented fully which had invested into the local economy. The Speaker noted that Members of the Applicants staff and associated business partners were in attendance at the meeting and were all based in the Greater Colchester Area and refuted the claims that the consultation responses were being manipulated as slanderous. The Committee heard that the proposal had an overall budget of £25 million and that local contractors would be undertaking the work with the applicant being the future operator of the site. The Applicant outlined that there had been a large consultation period, that the site provided a large amount of open space which would be monitored and that life preservers provided on site. The Applicant concluded by commenting on the car club and its positive environmental impact, that this was the golden jubilee of the site being vacant and asked that the Committee approve the application.

With the permission of the Chair Councillor Michael Lilley attended via zoom and addressed the Committee. The Committee heard that the Councillor had attended to speak against the application as a large number of complaints and objections had been received including from the Spinnaker Inn which should be taken into consideration by Members as this was an application too far for the area trying to squeeze in the proposal. The Committee heard that the proposed area should be given to the community as the proposal would cause significant overlooking of existing buildings and residents. The visiting Councillor concluded by reminding the Committee of the existing flooding issues in the area and the this needed to be resolved.

At the request of the Chair the STPM responded to the points raised by the public speakers. The Committee heard that the Council only accepted representations during consultations where an address had been provided and made available in the public domain. It was noted that some of the representations did not come from the

immediate local area. The STPM acknowledged as detailed in the report that there would be some impact on residential amenity and that the brownfield site and its redevelopment would contribute 108 dwellings towards the Councils land supply safeguarding other areas of the borough from speculative development. The Committee heard that the improvements to the sea wall would not be possible without a proposal of this size and it was noted that the proposal would not be supported by everyone and the Public Right of Way was based on a 1.8 metre width with some areas being 1 metre wide as the additional space was required for the developable area of the site. It was noted that there was a significant demand for student accommodation in Colchester and that this was due to increase and that there were limited options on the campus at Essex University. Furthermore it was noted that the flooding in the immediate area was being looked into and explored with Officers on the Hythe Task Force but that the proposal before Members had come with a very detailed flood design which had not received a statutory objection. The STPM concluded by outlining that the proposed scheme was car free apart from the car club and that a large proportion of the site was being retained for landscaping and not car parking.

Further information was sought from the Committee on the projected student accommodation need in the future, the overdevelopment of the site and its relationship to existing developments adjacent to the site, the public right of way and the possible repair works to the sea wall which was in disrepair. The Committee raised further questions on the bin stores that would be used, disabled provision on site, the overshadowing and loss of light to existing residents, the width of the proposed footpath, the number of cycle racks on site, the internal layouts of the proposal including shared spaces, the lack of parking on site which would cause significant congestion in the area. Members of the Committee asked what provision could be made to ensure that the building was secure by design, whether an adjacent disused allocation for health provision would be a better site for student accommodation, the public benefits associated with the proposal. Members concluded their initial questions by asking for clarification on what protection was there for people to not walk or cycle into the water, the impact of the loss of privacy for neighbours, the cycle pathways through the site, and what the proposal would look like 20 years in the future.

At the request of the Chair the STPM responded to the questions raised by the Committee. The Committee heard that the identified student need was listed in the officer report at paragraph 16.37 which had been provided by the applicant and the University of Essex and that the additional accommodation would not be proposed if it was not going to be used. The STPM elaborated that the height of the proposals was shown in the presentation and referred back to this for Members of the Committee and advised that the cycle path through the site was separate from the Public Right of Way as it was not wide enough for bikes. The Committee heard that the proposal would deliver significant public benefits and would only be available for use as student accommodation and not permanent residential development and that the aforementioned NHS site could not be secured by the proposal before the Committee. Members heard that the parking was limited as it would only be used for dropping off and picking up which would be managed to avoid indiscriminate parking in the area. The STPM Concluded by responding that in coming to the recommendation they had taken a holistic approach to all the relevant considerations as was the normal process and that there would not be balustrading on the edges of the development as it was

anticipated boats would be able to moor in the area.

The Committee continued to discuss the application on issues including whether there was enough open space on the site, that the cycleways were not up to the required standard, and that there was only one refuse shed for the entirety of the proposal.

At the request of the Chair the Development Manager advised the Committee that the proposal was not for housing but for a student accommodation block which would not be permanently occupied. It was noted that students on site would have access to the entirety of the campus including the limited outdoor space however it was noted by the Development Manager that students rarely used outdoor space. They added that the planning balance is a method to weigh up the positive and negative aspects of a site and that this was a brownfield site which channelled student accommodation away from the town centre and existing residential areas. The Development Manager elaborated that it would be included in the legal agreement and the lease that students would not be able to bring cars with them and that the design of the building in the area was not incongruous as it was a tall and slender building not unlike a warehouse.

Members continued to debate the application on the issues including the transport connections to the site and the close proximity to the University, the proposed height of the building and whether the proposal quantified as overdevelopment of the site.

At the request of the Committee the Development Manager advised Members that if Members were minded to refuse the application on the grounds of overdevelopment it would need to be demonstrated that it breached the Council's policies. They elaborated that there were other facilities included such as provision for drop-off as well as for delivery companies and that the effect on sunlight for existing residents was detailed in the report and that the bin storage could be separated if members wished. The Development Manager outlined that the matter of design was subjective and that the scale, bulk and mass of the building was contextual and would be surrounded by other such buildings in the Hythe area and would maintain the functional link between the Spinnaker Inn and the river. The STPM summarised that there was an impact on longer views for existing residents but that was not a material planning consideration and confirmed that there was no forthcoming solution apart from this application to fix the sea wall or walkway issues and that only limited objections remained.

In response to a further question the Development Manager outlined that if the application was refused on the basis of 16.69 and 16.7 in the report it would refer to the occupation of the accommodation being student only and not residential accommodation and noted that the proposal was student accommodation and the levels of space for students were not the same as those required when considering permanent residency, and that it was proposed that a condition be included to not allow any change of use from the student occupation proposed.

Members discussed the possibility of deferring the item to seek further information on the impact on light and residential amenity of existing residents. In response to the discussion the STPM advised Members that a very detailed report regarding the light and impact had been submitted to Officers and had been summarised in the report between paragraphs 16.8- 16.94 and that a deferral on these grounds would not

present members with substantial further evidence.

A proposal was made, and seconded to refuse the application on the grounds of the loss of light and scale of the buildings.

The Committee discussed the proposed refusal reasons with advice from the Development Manager including considerations of the surrounding contextual landscape as well as the report aforementioned by the STPM regarding loss of light and residential amenity.

The proposal to refuse was withdrawn and a separate proposal was made, and seconded, to defer the application so that officers could negotiate a reduction in height and access to the site.

RESOLVED (UNANIMOUSLY) that the application be deferred for officers to negotiate reduction in height and access to the site.

900 212685 Land at Brierley Paddocks, West Mersea

The Committee considered an application for variation of condition 1 (reserved matters, as approved under 202492), Condition 3 (Submission of RM), Condition 4 (detailed access) and removal of Condition 2 (Submission of RM) and Condition 6 (schedule) of planning permission 192136 (and subsequent Reserved Matters 202492), comprising updated access arrangements and minor amendments to the layout and house types. The application was referred to the Planning Committee because it is a section 73 application with a Deed of Variation that makes material changes to the previous Section 106 Agreement.

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

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

901 213463 Unsworth House and Josephs Court, Hythe Quay, Colchester

The Committee considered an application for a change of use from Offices to Student Accommodation. The application was referred to the Planning Committee because a director of the applicant company is a spouse of a member of Colchester Borough Council Staff.

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

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

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213353 Shrub End Depot, 221 Shrub End Road, Colchester

The Committee considered an application for the demolition of an existing baling shed and construction of a new baling shed. The application was referred to the Planning Committee because the applicant is Colchester Borough Homes Ltd.

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 in the report.