

# **Planning Committee**

## **Wednesday, 18 December 2019**

**Attendees:** Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Martyn Warnes

**Substitutes:** Councillor Roger Buston (for Councillor Brian Jarvis), Councillor Helen Chuah (for Councillor Andrea Luxford Vaughan), Councillor Gerard Oxford (for Councillor Philip Oxford)

**Also Present:**

### **764 Site Visits**

Councillors Barton, Chuah, Hazell, Liddy, Loveland and J. Maclean attended the site visits.

### **765 Planning Committee minutes 14 November 2019**

The minutes of the meeting held on 14 November 2019 were confirmed as a correct record.

### **766 192565 The Beehive Public House, 13 Bromley Road, Colchester**

The Committee considered a planning application for change of use of the ground floor of a building - from A4 to D1, he proposed activities to vary, but would include social and educational purposes and place of worship with more details included in the supporting Planning Statement at the Beehive Public House, 13 Bromley Road, Colchester. The application had been referred to the Committee because of the level of public interest shown in the application with approximately two hundred comments from members of the public with a relatively even split between those supporting the application and those opposing it.

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

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Benjy Firth, Planning Officer, presented the report and assisted the Committee in its deliberations. He explained that an application had been received by the Council from a

community group to have the site considered an Asset of Community Value. If the site were successfully placed on the statutory list then, should the site be marketed for sale in the future, the applicants would be given the opportunity to submit an offer to purchase the site although there was no requirement for such an offer to be accepted. He also referred to a previous application in relation to the former Lion public house at Langenhoe, the consideration of which had been deferred by the Committee so that community use of part of the site could be explored. He explained that this application would have resulted in the loss of the building as a community facility whereas the current application was seeking the continued use of the former pub as a community facility.

Alan Dickens addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained he and his family had been a local resident for 32 years and had regularly used the Beehive pub during this time. He sought the retention of the building as a pub on the grounds that it would benefit all residents in the area. He referred to a petition seeking its retention as an Asset of Community Value comprising over 1,000 signatures. He was of the view that the overwhelming majority of residents were opposed to the proposed change of use of the building and voiced concerns that the change of ownership had not been undertaken openly and he questioned the actions of one of the ward councillors in supporting the applicant's proposals and not representing the views of local residents. He referred to an alternative vision for the pub providing for its retention as a meeting place and community venue whilst considering the local communities' requirements were different to the ones proposed in the planning application. He considered there were no alternative venues for the local community within walking distance and was of the view that visitors to the Colchester Islamic Community Centre (CICC) would lead to increased traffic and a more suitable location should be sought.

Barry Cudby addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was of the view that the proposal was not policy compliant. He referred to the application and petition supporting the retention of the building as a community asset which had now included over 1,200 signatories and explained that the majority of local residents wished to see the current use of the building being retained. He was of the view that a number of documents had been submitted to the Council but these had not been published on the planning application pages of the Council's website and he listed the documents he considered to be missing. He confirmed that correspondence had been undertaken with the Council concerning the validity of the planning application and requesting that it be withdrawn but no responses had been received. He referred to various documents which would support the case for the building to be retained as a pub and he explained his concern relating to the circumstances around the sale of the building and an alleged associated confidentiality clause.

Sally Buchanan addressed the Committee pursuant to the provisions of Planning

Committee Procedure Rule 8 in opposition to the application. She was seeking the intervention of the Council to bring together the local residents and representatives of the CICC so that other options could be explored. She considered this to be a way to dissolve potential community tensions prior to the consideration of the application by this committee. She regretted that potential risks and opportunities had been overlooked to the detriment of all parties involved. She referred to confidentiality clauses in relation to the sale of the property and a lack of community engagement by the new owners and considered this to be the reason why large numbers of the local community had objected to the proposal. She referred to a meeting with the representatives from CICC and local residents, following the close of the consultation period and she acknowledged the wishes of the applicants to secure a venue where they are safe, welcomed and can contribute to the community. She referred to the shared respect and caring principles of the Christian, Muslim and other faiths and her wish to work with the members of the CICC in developing a planning application at a later date. She explained that she had subsequently worked to oppose the application but that this did not constitute opposition to the Islamic community or their charitable objectives. She acknowledged the common aim for both parties to secure a venue, she wished to welcome the members of the CICC and advocated seeking a solution which would be acceptable for all.

Sohail Choksy addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He submitted a petition in support of the application comprising 1,327 signatures. He explained that he was the Chairman and Trustee of the Colchester Islamic Community Centre (CICC) and explained that he had worked and resided in Colchester for over 13 years, where he had felt welcomed by the community. He had become involved with the CICC due to the need for a community centre for the diverse Islamic population, a space to meet, socialise, learn and take part in activities. Currently this was difficult using venues spread around the borough whilst a dedicated venue would allow a wider range of activities to take place. He referred to the marketing of the Beehive pub in 2019, the building's full compliance with the CICC's design brief and that the marketing had continued for six months after the CICC had submitted an offer to purchase. No interest had been forthcoming to continue running the building with its current use and pre-application advice was sought for change of use of the building which had prompted the CICC to start fund-raising to acquire the building. He welcomed the recommendation for approval contained in the report whilst empathising with the difficulties experienced by the local community as a consequence of the pub's failing trade. He referred to the multitude of drinking establishments in Colchester whilst there remained an absence of an Islamic Community Centre in the borough. He welcomed the creation of the venue as an example of exemplary community cohesion, respecting people of different faiths and bringing new life into the former Beehive pub.

Hiba Siddique addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that she was proud to have been brought up in Colchester. She explained the range of activities

proposed by CICC with the aim of bringing people together, including social and educational activities for women and children; charitable work, such as donations to Colchester Foodbank; sports for children and adults; educational lectures and conferences; support groups for new Muslims, the elderly and the bereaved; youth clubs and arts and crafts workshops. She explained that it was important to provide a space for children and teenagers where they could build a sense of identity and belonging and it was the aim of the CICC to acquire a multi-functional community centre from where the full range of activities could be hosted. The aim of the community centre was to bring Muslim and non-Muslim families together and to continue the outreach programme and charity work, to develop and to improve the community and the borough.

Kazeem Oleyede addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had moved to Colchester in 2007. He appreciated the concerns of the local community and considered CICC had workable solutions to address them. He considered CICC would ensure it was a good neighbour within the community with the planned use of the former pub ensuring that the building would be frequently occupied. He strongly supported a community facility in the area which would be a viable alternative to the development of the site. He explained that the green space on the site would be maintained. Detailed plans had been formulated to adequately manage parking on the site with a total of 27 designated spaces being provided and annually reviewed. He also confirmed that events would be staggered to minimise noise and disruption. He also gave an assurance that noise levels would be similar to those experienced from a pub quiz evening and there would be no external amplification. In addition, he explained that a code of conduct would be drawn up and centre users would be required to adhere to it. He was of the view that CICC had a reputation for conducting events in an orderly manner and this practice would be continued. He was hopeful that regular events would be held to foster engagement and he considered the CICC would be an asset to the community and would benefit many.

Councillor T. Young attended and, with the consent of the Chairman, addressed the Committee. He explained that he fully supported the application which would retain the former Beehive pub for community use. He referred to the report which had concluded there were no material grounds upon which the application would be refused permission and he welcomed the plans for the parking provision to be well controlled, particularly given the dangerous access and egress from the site. He also confirmed that the Highway Authority were satisfied with the access and parking arrangements. He regretted the loss of the pub to the community whilst highlighting the comments from the former landlords explaining that lack of use had prompted the sale and that 90% of their clientele had travelled to the pub by car. He disputed comments made regarding secret meetings with the CICC whilst confirming that he had referred the group to planning officers for advice on suitable potential locations. He was of the view that the proposal would become a welcome and popular community asset, open to the whole community

and would enhance community cohesion and understanding. He acknowledged that there had been tension within the community as a result of the proposal but he committed to working with all parties in order to make the community centre a thriving and successful addition to the community.

Councillor Chuah explained that the Beehive pub had previously been located within the St Anne's ward boundary and she had visited the pub on a number of occasions. She had been contacted about the application by residents but confirmed that she had not expressed any opinion about the application.

Members of the Committee regretted the loss of the building as a public house and the community division which was evident as a result of the application whilst confirming the Committee's responsibility to take into account only material planning considerations in the determination of the application. Comment was also made that the Beehive was in the ownership of CICC and that assurances had been provided in relation to the retention of the current car parking facilities.

Clarification was sought in relation to the application for an Asset of Community Value and why it had not been submitted earlier; the justification for the Beehive to successfully be retained as a pub; the impact of travel to the Beehive from elsewhere and the potential residential use of the upper floor of the building. Assurances were also sought that the building would be fully accessible and that the disabled parking provision layout would include hatched areas to the side and rear of each disabled space.

The Planning Officer explained that the Environmental Protection Team had recommended a condition to provide for the upper floor residential use to be ancillary to the use of the lower floor and that there were other conditions providing for car parking. He confirmed that any extensions to the building would need to be the subject of separate applications which would be determined on their own merit. He also explained that the application under consideration was for change of use only and did not include any physical changes to the building and, in this context, he was unable to provide an assurance regarding the accessibility of the building. He confirmed that an amendment to the parking condition could be made to provide for a hatched area to the sides of the disabled spaces.

*RESOLVED* (EIGHT voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report with the parking condition being revised to secure fully compliant disabled parking spaces with a hatched apron on two sides plus additional wording to confirm that the parking was required to be retained in perpetuity.

**767      192136 Land at Brierley Paddocks, West Mersea**

The Committee considered a planning application for the demolition of one dwelling (No.

43 Seaview Avenue) and the erection of up to 101 dwellings and up to 0.5ha of D1/B1 commercial use with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs), vehicular access from East Road and pedestrian/cycle access from Seaview Avenue at land at Brierley Paddocks, West Mersea, Colchester. The application had been referred to the Committee the scheme was a departure from the Adopted Development Plan and approval had been recommended.

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

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

James Ryan, Principal Planning Officer, presented the report and, together with Karen Syrett, Planning and Housing Manager assisted the Committee in its deliberations.

David Cooper addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered the application was contrary to the adopted Local Plan and he commented on the revised advice provided in the report concerning the significant weight which could be attributed to the emerging Local Plan. He explained that original objections to the application submitted by members of the Stop 350 group in August 2017 remained the same. He considered the application to be premature and, as such would undermine the legitimate planning process. He referred to the many objections made to Section 2 of the emerging Local Plan which still awaited consideration by the Planning Inspector; the confirmation by the NHS that the GP practice did not have sufficient capacity to accommodate the growth from the proposal and the impact of the Council's recent declaration of a Climate Emergency on Mersea Island given the single access road and future coastline erosion. He was of the view that a deferral of the application would allow the full planning process of the emerging Local Plan and the implications for Mersea Island to be adequately addressed.

John Akker, on behalf of 1,570 members of the Stop 350 Group, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was of the view that the application was premature and urged the Committee members to defer consideration of the application to enable the implications for West Mersea to be placed before the Planning Inspector. He referred to the need for consideration of submitted data on infrastructure, employment, tourism, the island position and transport; the views of local residents who did not agree with the conclusions contained in the planning officer's report; the strains imposed by increased numbers of visitors to the island and the prospect of developers seeking to deliver up to 500 houses. He also referred to legal advice received that the application should be refused on grounds of prematurity and he referred to the undermining of the plan making process. He sought refusal of the application or deferral pending the conclusion of the

plan making process.

Peter Banks, on behalf of West Mersea Neighbourhood Plan Steering Group, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the forming of the Steering Group in 2016, the difficulties of understanding the Neighbourhood Plan process and of having to deal with sites and housing numbers which had already been allocated. He explained that it had taken time to reach a consensus and to understand that the Plan was required to conform with site allocations and housing numbers. He explained that a planning consultant had been appointed and there was an expectation that the draft Neighbourhood Plan would be ready for public consultation early in the new year. He explained the allocation of the Brierley Paddocks site as mixed use to provide flexibility to respond to the content of the Neighbourhood Plan, including potential community facilities. He did not consider the application to be in conformity with the Local Plan as the community had yet to be consulted on what type of community facility would be preferred. He voiced concerns about the site's proximity to the Coastal Protection Belt and the prospects for the continuation of the Neighbourhood Plan work if the application was approved. He sought the opportunity for the Neighbourhood Plan work to come to fruition and asked for the Committee to not grant approval of the application.

Emma Ouseby addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that the applicant was committed to delivering a high-quality scheme at Brierley Paddocks to include housing, 30% affordable housing, community facilities and open space and welcomed the planning officer's recommendation for approval. She acknowledged that the allocation of the site in the emerging Local Plan had generated much local interest whilst she recognised that Mersea was recognised as a sustainable location for growth. She considered the proposal to be in accordance with the emerging Local Plan and would assist in defending against speculative development in less desirable locations. The proposal site had been subject to thorough assessment and no technical objections to the scheme had been made. In addition confirmation had been received that the infrastructure could cope and that sufficient mitigation would be secure from financial contributions. The site also provided the opportunity to include an additional GP practice and concerns from local residents about the second access point had been responded to by the amendment of the application to exclude this entrance. Improvements to bus stops and ecological enhancements would be provided. She confirmed willingness to work with the Neighbourhood Plan Steering Group during the detailed design stages and considered that the development would be well-located in a sustainable location, complying with the emerging Local Plan, asking the Committee members to support the recommendation for approval.

Councillor Jowers attended and, with the consent of the Chairman, addressed the Committee. He questioned the consideration of the application for a site which had yet to receive the approval of the Planning Inspector, as such, he considered the application to

be premature. He referred to the need for security of the five-year land supply and questioned why other sites without significant local opposition had not been brought forward before this one. He speculated that any deferral of the application may be the subject of an Appeal by the applicant but considered this was not a matter for the Committee to take into account. He was firmly of the view that the site should not be allocated until the Inspector had issued his report. He acknowledged that the Neighbourhood Plan had yet to be adopted but significant work had been achieved to demonstrate the wishes of the community. He asked for confirmation to be given that the maximum number of houses for this site in the emerging Local Plan was 200 in total. He referred to the weight to be given to the emerging Local Plan by the Committee members but asked that they listen to the views expressed by the local community. He also referred to the over-provision of open space, the predominant means of access to the site being by car and for some of the site to be allocated for use by the Town Council, if needs be, for a new GP practice. He asked the Committee to defer the application pending the conclusion of the Local Plan examination.

Councillor Moore attended and, with the consent of the Chairman, addressed the Committee. She was of the view that the application was premature in the context of the emerging Local Plan and the Neighbourhood Plan. She considered approval of this application for 101 houses would set a precedent for the development of 100 houses in Dawes Lane whilst a successful Appeal for 200 houses at Brierley Paddocks could potentially lead to approval for 301 houses in total, well in excess of the allocation of 200 in the emerging Local Plan. She acknowledged that, if standing alone, there was much to commend the application but the timing of the determination was very important for the local community. She referred to the financial contributions towards mitigation of the development and was of the view that a greater proportion should be allocated towards healthcare which was of greater concern to the community than sports facilities. She hoped the Committee members would defer their consideration of the application until the outcome of the Local Plan examination was published and the Neighbourhood Plan adopted.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He stated his former chairmanship of the Local Plan Committee and his concern about planning applications being brought forward prematurely, citing other examples in West Bergholt and Chitts Hill. He considered the application did not comply with the Council's standard for 30% affordable housing and that a financial contribution for the provision of an outside gym had been rejected. He readily acknowledged the capacity issues at the GP practice in West Mersea, the difficulties experienced in servicing the existing community and the need for additional capacity to be provided before any future development would take place. He acknowledged the potential for an Appeal for 201 houses but he referred to the Council's record in successfully defending Appeals and he had no reason to consider there were not sufficient grounds to successfully defend such an Appeal. He referred to the complexity of the situation in relation to the allocation of sites at Dawes Lane and Brierley Paddocks and the view



held in the community for only one site to be allocated. He explained that the concerns of the local community had been listened to and the number of houses allocated had been reduced to 200. He considered the appropriate course of action for the Committee members was for the application to be deferred or refused to allow for the planning processes to take their course and for the outcome of the examination into the emerging Local Plan to be known.

The Principal Planning Officer explained that there was no reason why a Neighbourhood Plan could not advise on matters contained in a reserved matters application, including house types, parking, landscape, play areas and the community use. He explained that the 30% affordable housing standard was being complied with, other than in respect of negotiations which were ongoing in respect of the provision of one fully accessible home for wheelchair users. He confirmed that the provision of an adult gym had not been considered appropriate for the development by the applicants but acknowledged that a significant area of open space provision had been included. He referred to Coastal Protection Belt and ecological concerns, the detail of which had been addressed in the report. A request for additional provision for healthcare services was mentioned but he confirmed that the NHS had confirmed that it did not require additional provision over that already requested. He explained that the issue of prematurity was a balanced call for the Committee members to consider, he acknowledged the potential for an Appeal for 201 houses but that any deferral of the current application could also lead to an Appeal on grounds of non-determination.

The Planning and Housing Manager was of the view that it would be inadvisable to refuse the application on the grounds that the Neighbourhood Plan had not yet been published as this could lead to deliberate delays in the Neighbourhood Plan process in order to avoid the determination of planning applications. She explained that, as the application was in outline, the details remained to be set out and confirmed the ability of the Neighbourhood Plan to inform those details. She confirmed that the emerging Local Plan provided for 200 houses in total in Mersea.

One member of the Committee welcomed the confirmation of the 200-house allocation for Mersea as set out in the emerging Local Plan and referred to the traffic problems associated with the island and its single Causeway access and the potential implications as a consequence of future significant development. Concern was also expressed in relation to the Highway Authority view of the proposal, given the likelihood of the majority of people travelling to and from Mersea by car. Reference was also made to the work which had been undertaken to progress the Neighbourhood Plan and the merit in allowing this process to reach its conclusion. As such, support was given to the view that the application was premature and for the application to be deferred to allow for the publication of the Inspector's report on the emerging Local Plan.

Another member of the Committee welcomed the representations made by the residents of the community, acknowledged the significant opposition to the proposal and

considered these residents' views on their own community should be supported in the form of a deferral of the application.

A proposal was made to defer consideration of the application pending the publication of the Inspector's report on the emerging Local Plan which was contrary to the officer recommendation in the report and duly seconded. On being invited by the Chairman to indicate if there was any specific implications for the Council, the Planning and Housing Manager indicated any deferral should be for a shorter period of time in order to obtain clarity from the applicant regarding the intentions in relation to the previous application for 200 houses at Brierley Paddocks; healthcare service provision; the outdoor gym and the wheelchair accessible house. She advised against deferral pending the publication of the Inspector's report on the emerging Local Plan as the Section 1 examination was currently awaited, the outcome of which was unknown and, as such, the timescales for the examination of Section 2 of the Local Plan were not known. She went on to speculate that, with the examination sessions for Section 1 of the emerging Local Plan being due to conclude on 30 January 2020, whilst she could give no assurance, it may be possible that the Inspector's report would be published during March 2020.

The Principal Planning Officer explained that the applicants had a period of six months within which to Appeal against the refusal of the previous application for 200 houses at Brierley Paddocks, which took place on 19 August 2019.

Discussion took place about the appropriate period of time for a deferral of consideration of the application to take place and an amendment to the proposal was made and duly seconded to defer consideration of the application until the later of the publication of the Inspector's report on the emerging Local Plan or a period of six months.

The Chairman again invited the Planning and Housing Manager to indicate if there was any specific implications for the Council, in respect of the amended proposal and she indicated that it was likely that a second Appeal based on non-determination of the application by the Committee. She also clarified that the examination of Section 1 of the emerging Local Plan was predominantly concerned with total housing numbers and the Garden Community proposals and, as such, there would be no detail emerging in relation to specific sites, including those sites on Mersea Island, for some considerable time.

Another member of the Committee referred to the need for the Committee to consider a planning application in relation to the material planning considerations relevant to it and the Committee's duty to look at planning application in a positive manner. As such, he considered the application to be well mitigated; the site allocation had been accepted by the Neighbourhood Plan Steering Group; the Neighbourhood Plan would be able to inform the detailed lay-out of the site and the affordable housing allocation had been confirmed as conforming to the Council's 30% standard. In addition, reference was made to the considerable time which had already elapsed in seeking a suitable site for

the location of an additional GP practice for the island. He also referred to the advice in the report that the Committee could give significant weight to the emerging Local Plan; the considerable period of time before the detailed site allocations in Section 2 of the emerging Local Plan would be considered by the Inspector; the potential for the Council's five year land supply to be challenged and the potential for speculative planning applications to be granted on Appeal. He was of the view that safeguards were in place in terms of the housing numbers allocated for Mersea Island and, as such, he considered that the recommendation contained in the report was reasonable and pragmatic. A second proposal to approve the recommendation contained in the report was duly made and seconded.

The Chairman accordingly invited the Committee to vote on the proposal to defer the application.

*RESOLVED* (FIVE voted FOR and FOUR voted AGAINST) that consideration of the application be deferred until the publication of the Inspector's report on Section 1 of the emerging Local Plan, or for a period of six months, whichever is the longer.

#### **768      192249 Land at Brook Road, Great Tey**

**Councillor Liddy (by reason of his Trusteeship of Colchester Archaeological Trust) 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 fifteen dwellings, associated garages and formation of a new access at Brook Road, Great Tey, Colchester. The application had been referred to the Committee because it constituted a departure from the adopted Local Plan as the application site was located outside the current adopted settlement boundary of Great Tey, the proposal also represented major development, where objections had been received and the recommendation was for approval, subject to a Section 106 Agreement.

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

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Simon Cairns, Development Manager, explained that additional conditions were required providing for the listing of the approved drawing numbers, a schedule of materials and the submission and approval of the large-scale architectural detailing.

*RESOLVED* (UNANIMOUSLY) that -

- (i)      The Assistant Director Policy and Corporate be authorised to approve the

planning application subject to the conditions set out in the report, the delegation of authority to the Assistant Director Policy and Corporate to negotiate the details of additional conditions providing for the listing of the approved drawing numbers, a schedule of materials and the submission and approval of the large-scale architectural detailing and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide for the following:

- Affordable Housing: four units, Plot 1, Plot 2 and Plot 3 being constructed to Building Regulations standard Part M4 Cat 3 2 a (all Affordable Rent) and Plot 4 (Shared Ownership);
- Open Space Sport and Recreation: a contribution of £81,260.89 which will be used to fund improvements to the children's play park and sports facilities including gym equipment at Great Tey Recreation Ground
- Communities: a contribution of £25,058 which will be used to fund improvements to Great Tey School Community Pool (a Community Use Agreement may be required to ensure the swimming pool is available for community use not just school use)
- Archaeology: a contribution of £3,153.00 (£2,400 for an interpretation panel, £753 for enhancement of Colchester HER)
- North Essex Recreational disturbance Avoidance Mitigation Strategy (RAMS): a contribution of £122.30 per unit towards mitigation under the Conservation of Habitats and Species Regulations 2017.

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Assistant Director Policy and Corporate be authorised, at their discretion, to refuse the application or otherwise be authorised to complete the agreement.

**769 192090 Western Knowledge Gateway Site, Capon Road and Annan Road, Colchester**

The Committee considered a planning application for the construction of five buildings to provide 1204 new student bedrooms arranged as cluster flats and 58 studios, with social and administrative facilities, associated hard and soft landscaping, cycle parking, bin stores and vehicle access and turning at Western Knowledge Gateway Site, Capon Road and Annan Road, Colchester. The application had been referred to the Committee because it was a major application which required a Section 106 Agreement and an objection had been received.

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

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Annabel Cooper, Planning Officer, presented the report and, together with Simon Cairns,

Development Manager, assisted the Committee in its deliberations.

Mr. Batchelor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was the owner of 57 Elmstead Road, Colchester which he considered had a park like setting with a degree of rear privacy which should be respected. He objected to the submission of late documentation by the applicant which also contained errors in relation to his property. He referred to a previous application for the site providing for three storey homes whilst the current proposal was for taller buildings, closer to the rear of his property. He considered the buildings would be over 17 metres above the land to the rear of his house at a distance of 26 metres. He also doubted the possibility of providing tree screening for due to the close proximity of the building to the site boundary. He considered the proposal to be over-bearing and of too great a density and as such would negatively impact on 57 Elmstead Road. He objected to the reference to the buildings in Block B being four-storey, considering them to be five--storey in many instances and he did not consider the proposal integrated with the residential built environment in terms of height, density, massing and form. He criticised the officer's report as its consideration was mainly in relation to integration with the campus and he considered that the proposal would overwhelm the rear aspect of the residential houses in Elmstead Road. He also referred to various materials which did not comply with the Essex Design Guide and he was of the view there would be considerable loss of amenity, noise, light and over-looking due the height and proximity of the buildings. He considered it did not enhance or respect the landscape setting and that the true impact on his property had not been acknowledged. He urged the Committee members to refuse the application.

Chris Oldham addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained the university's ambition to attract the best students and the need to therefore provide a transformative learning experience, including good quality and affordable accommodation. The scheme had been proposed following numerous meetings with planning officers as well as other parties. He welcomed the recommendation contained in the report and the information explaining the changes made to the scheme to address concerns expressed by the Urban Design officer but expressed concern that the comments were as a result of comparisons with private sector student accommodation being developed elsewhere in the urban parts of the town. He considered the campus was dominated by large pavilion buildings in spacious landscaped grounds. He considered the form, scale and height of the proposed buildings reflected others on the campus. The proposal also included four new public and semi-private squares, creating routes through the development. He considered the approach advocated by the Urban Designer would be out of place on the campus and he refuted the suggestion about unwillingness to invest in the scheme or that the standard of design was poor. He considered the design to be of high quality and welcomed its addition to the university campus. He confirmed that the site was allocated in the Local Plan for residential use, to include Halls of Residence and he explained that the previous planning consent was in relation to flats of three and four-storeys and

located in the same position as the currently proposed Block B which was also four-storeys and the nearest block to 57 Elmstead Road. He explained that the Block was nearly 60 metres away from 57 Elmstead Road and evidence had been submitted to demonstrate there would be no loss of light and no overshadowing of the house or garden at 57 Elmstead Road.

The Planning Officer confirmed that the applicant had submitted additional documentation but this had been considered to be a minor amendment and, as such, did not require additional consultation. She also confirmed that two consultations had taken place with four site notices being placed on display and phone conversations had taken place with the principal objector at 57 Elmstead Road. She considered all matters which had been identified in representations made had been addressed in the committee report and the amendment sheet. She confirmed that the closest point of proposed Block B was 56 metres away from 57 Elmstead Road which significantly exceeded the minimum 35 metre distance requirement. She confirmed that planning permission had been granted for a previous scheme which had now lapsed and had included three-storey buildings. She also confirmed that proposed Block B was the only building to include four-storey elements and, whilst she acknowledged that the Urban Designer did not support the scheme, she confirmed that the massing and density had been deemed acceptable. She also confirmed that the scheme was considered to be of high quality; that a noise assessment had been undertaken and it was not considered there would be any adverse impact and the landscape and visual impact assessments had been deemed to be fair by the Council's Landscape Officer.

Members of the Committee welcomed the aspiration of the university to provide high quality accommodation for its students on campus whilst referring to the design of the buildings being proposed and the impact on neighbouring residences with a suggestion that additional tree screening be considered as part of the recommended conditions. Reference was also made to the comments of the Urban Designer whilst the proposed design having been deemed acceptable by other planning officers.

Concern was expressed in relation to the use of composite materials for the buildings, and assurances were sought regarding the use of this material for the scheme and in relation to the height of the buildings and whether there were any associated fire safety concerns

Clarification was sought regarding the potential to use funding contributions towards local community facilities for young people in the neighbourhood of the campus. Reference was also made to the financial contributions towards a travel plan and clarification was sought regarding the timescale and arrangements for this element and whether cycles were permitted to be used on the zig-zag bridge. Further clarification was also sought regarding plans to provide for the enhancement of the Barrows.

The Development Manager explained that there was a requirement for a development to

mitigate its own impact and, as such, funds could not be used to mitigate existing deficiencies of provision for young people. He explained that the report included details of the financial contributions being sought from the development which had been identified to achieve direct mitigation. Whilst the provision of facilities for young people was to be welcomed the suggestion would not comply with the legal requirements in this instance.

The Planning Officer explained that the proposal already incorporated a Hub Building which included various facilities for students as well as measures to improve students' health and well-being. She explained that the Urban Designer was a statutory consultee on planning applications and that the reasons given for considering the scheme to be of high quality were set out in detail in the report, such as the use of stair wells as the focal point of the buildings; the moving of the plant rooms to the tops of the buildings; the range of materials; the gables and their relationship with the Barrows; the use of zinc and the very comprehensive design and access statement submitted with the application. She confirmed the tallest building was of six storeys which placed them outside certain fire safety legislation but a condition was included in the report to address issues around materials to be used on site and she confirmed that this condition was still subject to further negotiation.

She also explained that £200,000 had been included in the financial contributions provided from the development and that this sum was intended to be used for a variety of projects identified by the Sustainable Transport Team including university wayfinding; walking route to the town centre and the Hythe railway station and improvements to the zig-zag bridge and a travel plan for the university to use until 2025. She confirmed that cycles were not currently permitted to be used on the zig-zag bridge but that a feasibility study had been commissioned to identify the requirements necessary to provide for cycle use. She explained that the financial contributions from the development would also include funds for the provision of an interpretation board for the Barrows whilst part of the landscaping scheme would be used to enhance this area.

*RESOLVED* (UNANIMOUSLY) that -

(i) The Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report together with an informative to require landscaping details to be submitted to make provision for tree planting to screen and filter the views of the development from 57 Elmstead Road and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide for the following:

- Archaeology: £2,400;
- Transport and Sustainability: £200,000 and minimum of £200,000 to implement the initiatives of a new Travel Plan;
- North Essex Recreational disturbance Avoidance Mitigation Strategy (RAMS): a contribution of £122.30 per unit towards mitigation under the Conservation of Habitats

and Species Regulations 2017.

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Assistant Director Policy and Corporate be authorised, at their discretion, to refuse the application or otherwise be authorised to complete the agreement.