

AMENDMENT SHEET

Planning Committee
17th August 2023

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 220526 Land Adjacent to 67 Braiswick, Colchester, CO4 5BQ

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The Committee considered an application for approval of reserved matters following outline approval 191522 – erection of 27 dwellings and associated development. The application was referred to the Planning Committee as it had been called in by Cllr Sara Naylor for the following reason:

- I doubt that high quality design can be delivered as required with a density of 27 houses.

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

John Miles, Senior Planning Officer presented the application to the Committee and assisted the Committee in its deliberations. The Committee were shown the location of the site located north of Braiswick Road, and detailed that the site was currently rough grassland which was located alongside the A12. It was noted that the outline permission for the site had been granted at appeal and that the site was part of a wider allocation within the Colchester Local Plan. The Committee were shown plans of the site which included: the layout of the dwellings on site, the types of dwellings on site, the road layout on the site and areas of public open space. The Senior Planning Officer detailed that there would be new tree planting on the site as well as wildflower seeding including as part of the landscaping proposal. The Committee were shown an illustrative street scene of what the application may look like if built as well as the house types which included 2.5 storey buildings. The Committee were shown the street scene elevations which showed the change in topography and steepness of the site down to the A12 border and how the proposed dwellings would sit in the landscape. The Senior Planning Officer concluded by outlining the officer recommendation of approval as detailed in the report.

David Mehigan addressed the Committee pursuant to the provisions of Planning Committee procedure Rule 8 in opposition to the application. The Committee heard that there were concerns about the proposed density on the site and that the objections regarding the site could not be considered as nimbyism. It was detailed that the proposal would significantly alter the landscape and did not create a distinctive character with the 10% open space that was required on the site. The speaker detailed

that the site was riddled with challenges which could not be resolved and that the outline permission of “ up to 27 dwellings” did not mean that 27 dwellings needed to be put on the site. The speaker concluded by asking that the application be refused.

Jack Baron addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that they were the design director for the proposal and that the proposal would create 27 sustainable new homes in Colchester. The Committee were asked to note that the site benefitted from outline permission and that the indicative layout had been taken into account creating the proposal before the Committee and that they had engaged in pre-application meetings in 2021. It was noted that comments from this had been taken onboard and included in the application before the Committee. The speaker concluded by detailing that the site does lie on a hill and that they had been high quality materials would be used on the site and asked that the application be approved as detailed in the officer report.

Councillor Sara Naylor addressed the Committee as Ward Member for Lexden and Braiswick. The Committee were thanked for visiting the site and drew the Committees attention to the references to topography in the report and detailed that they were convinced by residents that the original design of the proposal was drab and depressing but raised concern that the Council’s Urban Design Officer had given a lukewarm view on the proposal. Members heard that if the site was built as proposed it would just meet the Councils Planning tests and that the Ward Member had concern over the inflationary costs in the economy and whether this would affect the viability of the proposal. The Ward Member raised concerns that this could lead to the developer reverting to the previous iteration of the site and that there was concern regarding flooding on the site. The Ward Member concluded by asking the Committee to defer the application the matters of design further.

Councillor Lewis Barber addressed the Committee as Ward Member for Lexden and Braiswick. The Committee heard that the Policy HOU1 specified that the quality of design had to be the highest quality and that they echoed the concern from Cllr Naylor regarding the response from the Council’s Urban Design Officer and expressed their view that the design of the site was not of the highest quality which was detailed in the Neighbourhood Plan. The Committee heard that there was still further work to be done on the application with regards to the screening along the A12 and the open space that was on the site and detailed that the argument for the principle of the development had been decided by the Planning Inspectorate but asked whether the applicant could redesign the site taking into account the density of the proposal.

Councillor Dennis Willetts addressed the Committee as a Ward Member for Lexden and Braiswick. The Committee heard that the planning system balanced the benefits and harms to the locality and that if the development does not represent the expectations of Braiswick then it should not be permitted. The Ward Member raised concern over the trees and hedgerows being destroyed and queried whether the design was up to the standard that the City could be proud of and whether policy DM15 and the enhancement of the area was sufficient for the reserved matters application to be approved. The Ward Member also referred to the comments from the Urban Design Officer and how they had also been lukewarm to the proposal with the Member feeling that the proposal did not create a high enough quality scheme with there being

significant impact on the visual impact on the area and immediate environment. The Ward Member concluded by asking that the application be deferred for further consideration on the visual impact of the proposal and how this could be improved.

The Chair addressed the Committee regarding the points of design and read out policy HOU1 so that the Committee were all aware of the policy.

At the request of the Chair the Senior Planning Officer responded that the change of character of the site had been considered including the density and the style of the site, it was noted that this was something that considered by the Planning Inspector when they allowed the site at appeal. The Committee heard that the proposed density of the site was acceptable to Officers and that the scheme did deliver on the quality of design and that there had been significant improvements on this since the application had been submitted to the Council. The Senior Planning Officer detailed that the proposal sat comfortably in the street scene and that the proposal accorded with the Local Plan and the Lexden and Braiswick and that there were existing conditions regarding urban drainage and other conditions. The Committee heard that there was weighting within the National Planning Policy Framework (NPPF) paragraph 135 protected the development quality and scheme from being eroded between approval being granted and completion of the site. The Senior Planning Officer detailed that the the noise created by the A12 and that additional insulation required was covered by the original permissions conditions.

Members debated the proposal with concerns being raised regarding the placement of the open space on site including the Childrens play area, the speed limit along the main access road of the site as well as questions regarding the access to the rest of the allocation in the Local Plan. The Senior Planning Officer responded that the access to the site would be within a 30 MPH zone with new bus stops being added to the area with further confirmation being provided that the visitor parking was in accordance with the minimum standards. Furthermore it was noted that some properties had a provision above the minimum standards for parking and that there was a condition that the garages on site had to stay as such. It was noted that the road on site had to provide a link to the remainder of the allocation in the Local Plan. The Committee heard that the areas of public open space would be maintained via a private management company and that the Inspector had considered the issue of noise levels at the appeal and that the proposal was not in an area of air quality management.

Members debated the proposal regarding the highest quality of build achievable and whether the tree row and its monitoring for 5 years after the completion was sufficient and whether the extra insulation on the proposals would add to the climate emergency as residents would need to use air conditioning if they needed to keep their windows closed to stop the noise in their home.

At the request of the Chair, the Senior Planning Officer outlined that the design was subjective but officers considered the quality of design to be a high standard and that the 5 year monitoring condition of trees was a standard condition from the Council with no previous issues being raised regarding a requirement for additional monitoring. The Committee heard that the proximity to the A12 had been noted but had ultimately been considered at the outline stage and subsequently at the appeal and that the change in ground levels had been considered when designing the proposal.

Members commented on the quality of the design with some Members expressing concern that the proposal did not meet the standards expected in the Neighbourhood Plan as well as concerns regarding the heat during summer and effect on the climate if windows could not be opened and air conditioning used as a substitute.

At the request of the Chair the Development Manager added that the highest quality had to be balanced against the viability of a proposal in the context of a development and detailed that the frontage of the site would be screened whilst adding that the site was not in a conservation area. The Development Manager concluded by detailing that the Council had recently lost an appeal on a site in Tiptree where quality of design had been a reason for refusal and had thus shown that the Planning Inspectorates concept of highest quality may not align with that of the Councils expectations.

In response to a question raised by the Committee the Senior Planning Officer detailed that there would be obscuring glass on the side of the elevations of the proposed dwellings but that there were no harmful angles of overlooking on the site.

Members continued to debate the proposal with Members welcoming that the design had been improved since the original proposal submitted but that there were still concerns which included the road linkage of the site and why it had not been completed so that residents would not have to drive around the entirety of the site as well as the lack of footpaths near the site. Some Members felt that the entirety of the estate should be re-designed to increase the open space on site and place the larger houses on the south of the site. The debate concluded with the Committee discussing whether to defer the application to seek amendments on the design, layout and density of the proposal.

A proposal was made and seconded as follows:

That the application be deferred to allow the Development Manager to seek amendments to the design and layout of the site and to consider the danger of the location of the children's play area location, public open space, and connectivity within the site, lack of community space and that a reduction in dwellings would enhance the design.

RESOLVED (UNANIMOUSLY) That the application be deferred to allow the Development Manager to seek amendments to the design and layout of the site and to consider the danger of the location of the children's play area location, public open space, and connectivity within the site, lack of community space and that a reduction in dwellings would enhance the design.

7.2 230031 Land between 7 & 15 Marlowe Way, Colchester

The recommendation has been revised as there has been a problem in getting some neighbour re-cosultations to be delivered.

Revised recommendation: Authority to approve subject to consideration of any additional consultation responses received following expiration of the consultee response date.

1 additional letter has been received which states: “Having read the agents representation (schedule A) I struggle to understand how they can claim the buildings were built in accordance with plans and are legal, when the kitchen areas height were obviously not in accordance with approved plans and indeed are 0.6-0.7m higher than the original approvals. Therefore, how are the houses “legal”. Unless the committee do something about this illegal build it sets a nasty precedent in Colchester borough.”

Highway Authority have confirmed no objections.

Draft Minute from 15 June 2023

- 7.3 231273 – Oak House, 1 West Lodge Bungalows, Bounstead Road, Colchester

Archaeologist confirms no objections.