

# Planning Committee

## Thursday, 09 November 2023

**Attendees:** Councillor Lyn Barton, Councillor Mike Hogg, Councillor Michael Lilley, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Sam McLean, Councillor Leigh Tate, Councillor Martyn Warnes

**Apologies:** Councillor Robert Davidson

**Substitutes:** Councillor Jeremy Hagon (for Councillor Robert Davidson)

### 1032 Site Visits

A site visit was conducted for the following applications:

- **231402 Land Fronting, Gosbecks View, Colchester** - Attended by Cllrs, Lilley, Barton, and Hogg

### 1033 Minutes of Previous Meeting

The minutes of the meeting held on the 7 September 2023 were confirmed as a true record.

### 1034 223013 Bypass Nurseries, Dobbies Lane, Marks Tey, Essex, CO6 1EP

The Democratic Services Officer advised the Committee that a holding objection from National Highways had been received on the 3 November 2023 after the publication of the agenda which would require further assessment of the application. As such the item had been withdrawn by Officers prior to the Committee meeting where it was noted that all relevant parties had been informed.

### 1035 231402 Land Fronting, Gosbecks View, Colchester

**Councillor McCarthy declared a non-registerable interest in application 231402 through their call-in request and confirmed that they would recuse themselves from the Committee and only speak as a ward Member and not take part in the debate and vote.**

The Committee considered an application for 3 no 3-bedroom and 3 no 2-bedroom bungalows and 1 no 3-bedroom and 2 no 4-bedroom houses with associated garaging and alterations to access road. The application was referred to the Planning Committee as the application had been called in by Councillor Sam McCarthy for the following reasons:

*“Gosbecks View is a narrow country road that simply cannot cope with more cars utilising the road, let alone pedestrians and cyclists. There’s no pathways planned.*

*This causes serious safety concerns for current and potential new residents. Refuse collection is already difficult, with a refuse vehicle causing damage in the past."*

An objection has also been received from Cllr Dave Harris as follows:

*"I have been contacted by residents of the area who are concerned over the access lane being used for these extra dwellings. The worry which is real is the new houses will reverse onto what is a well-used pedestrian walk route. Also, the laybys passing places it is thought will be used for visitor parking and thus the road will no longer have users able to pass safely. Highways is a County Council Issue and as a County Councillor my duty is to heed the comments and concerns that the existing householders have expressed. I have seen the site and see no other way than to create an access off the main road nearby."*

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

John Miles, Principal Planning Officer, presented the application to the Committee and assisted the Committee in its deliberations. The Committee heard that the proposal was part of the SC1 allocation in the Adopted Local Plan with the proposal before Members comprising of nine dwellings with private amenity space and parking. It was noted that the plans included an additional turning head along Gosbecks View and passing places that the site was adjacent to a Scheduled Ancient Monument of a Roman Road. It was noted that the dwellings had been oriented to match those on the existing Bloor development site across the road and outlined that an interpretation panel of the sites historical significance would be implemented on site. The Committee heard that this would be complemented by the additional detailing that would be added to the dwellings facing the Scheduled Ancient Monument to enhance the sites character. The Committee were shown photos of the site and detailed that Essex County Council's Highways Department had considered the access arrangements who had deemed the site to be acceptable and confirmed that the proposal was a sustainable development and was policy compliant with the officer recommendation for approval.

Richard Rayner addressed the Committee pursuant to the provisions of Planning Committee procedure rule 8 in opposition of the application. The Committee were asked whether they had visited the site and whether they had viewed the proposed access and detailed the pedestrian safety issues that could result if the development was approved. It was noted that the road did not have any drainage and flooded frequently and that the whole width of the single-track road was used for vehicles so would put pedestrians in danger as there was no pathway. The Committee heard that despite revisions this had not been addressed through objections with tandem parking outside of existing properties which would be an issue as well as parking in the passing places. The Committee heard that there needed to be 24-hour parking restrictions on Gosbecks View and that there needed to be some amendments to the

plot locations in case of gates being put on drives and the turning circles of cars manoeuvring into other properties driveways. The speaker concluded by detailing that the lane would not be suitable in emergencies for Fire Engines or refuse vehicles and that there needed to be appropriate lighting for safety but as not to disturb wildlife.

Mollie Foley addressed the Committee pursuant to the provisions of Planning Committee procedure rule 8 in support of the application. The Committee heard that the application had been subject to pre-application advice from the Essex County Council's Highways Department and that the proposal was in accordance with the agreed parking standards with cars being able to enter, manoeuvre, and then exit in forward gear. The Committee heard that the proposal had prioritised highway safety and that a turning head had been provided as well as parking bays which could not be used for parking under condition 25 of the proposed conditions and confirmed that there had been no objection to the proposal from Essex County Council's Highways Department. The Committee heard that the proposal was sympathetically designed taking into account the local environment and that the dwellings proposed contained bespoke designs including significant architectural detailing. Members were asked to note that the development guaranteed the protection of the Roman Road adjacent and that context for visitors would be provided through the proposed interpretation panel. The speaker concluded by detailing that the site would provide a biodiversity net gain of 10% and would remove the invasive species on site whilst new planting would be introduced and asked that the application be approved as detailed in the officer recommendation.

Councillor Sam McCarthy addressed the Committee as Ward Member for Shrub End. The Committee heard that the area had changed significantly in recent years and that the proposal before the Committee was impossible because of the tiny road that was being used for access and said that the photo shown to the Committee made the road look wider and said that the proposed parking bays would be parked in. The Committee heard that the access was the main concern with pedestrians and vehicles meeting on the road as there was no new footpath being proposed even with more people walking down there. It was cited that a footpath was essential to a development and detailed the hope that Members had visited the site. The Ward Member concluded by asking that Members look very closely at the access and defer the application if that was needed to resolve this issue.

Councillor Dave Harris addressed the Committee as Ward Member for Berechurch and County Councillor for Maypole. The Committee heard that the key aspect of the proposal was the lane being 11 feet wide and outlined that they had held a meeting with residents to look at the site outlined that they were not against the development but were concerned about the access for the new dwellings. The Committee heard that they should consider deferring the application to look at the highways issues and asked Members to note that there was a substation along Gosbecks View which needed to be serviced and that there was no safe walking along the road without a pathway or lighting. The Visiting Councillor detailed that the passing places could be parked in and their placement opposite existing driveways would cause further issues of entry, and that more needed to be done on site to ensure safety of current and

existing residents. Members heard that Highways had visited the site and that they had responded to them on the standard rules that applied to the application and that once the site was approved then it could not be changed and asked to Committee to look at this application further.

At the request of the Chair the Principal Planning Officer responded to the points raised by the have your say speakers. The Committee heard that surface water drainage and potential flooding on site had been considered alongside the landscaping plan whilst taking into consideration the ecology and biodiversity net gain which could be secured. The Committee heard that there would be an increase in vehicle movements and that passing places would be provided as mitigation and that the proposal would not be an unacceptable amount of movement on the road with it being lightly trafficked at low speeds. Additionally, the Committee heard that there was also a turning head being provided and that the road was not a Public Right of Way (ProW) which was used and ran parallel from Gladiator Way.

Members debated the application noting that the proposal would generate more traffic from the nine additional properties and that from the site visit some Members asked why an entrance could not come from Cunobelin Way with a left turn only when exiting so that there was no issue of vehicles leaving the site.

At the request of the Chair the representative from Essex County Council Highways Department, Matthew Tiller, responded to the points raised by the speakers and the Committee. The Committee heard that the function of Cunobelin Way was a traffic carrier and that the access to the site would need to be taken from a lower category road and that the County Council would not like to see the loss of the layby, or the implementation of a left hand turn onto the existing road. In response to a question from the Committee, the Representative from Essex County Council Highways Department outlined that a left turn from Cunobelin way had not been considered as it had not been discussed at the pre-application process.

Members continued to debate the proposal with Members raising significant concern regarding the existing width of the lane and whether there was any possibility of restricting parking so that the passing places did not get parked on and queried whether a Traffic Regulation Order (TRO) would be appropriate. The Representative from Essex County Council Highways Department, Matt Tiller, outlined that they couldn't recommend a TRO for this proposal and would not expect this there but would have to be raised by the North Essex Parking Partnership who could look at restrictions such as double yellow or double red lines.

Members of the Committee continued to debate the proposal on issues including: the access to the area for larger vehicles, that there was no two-way traffic flow, that the road was more of a wide footpath than a road, that the lighting infrastructure proposed was inadequate, and that further space for vehicles was required along the road with the passing places being inadequate as well as the turning head. Members raised

further concerns with the accordance with policy LTN1/20 as well as cycling infrastructure to promote healthy and inclusive lifestyles.

At the request of the Chair, the Principal Planning Officer responded that Essex County Council had not objected to the proposal as Fire Engines would be able to service the area and that access could be looked at again if Members wished to defer the application and that lighting needed to be included that was sensitive to bats but this could be explored through a deferral as well.

The debate concluded with Members detailing that they had significant concerns over safety when considering the sloped surfaces at the side of the roads as refuge for pedestrians if there was a vehicle travelling along it.

A proposal was made and seconded as follows:

That the application is deferred for future consideration by the Committee with Delegation given to the Head of Planning to seek revisions to the scheme in the interests of the safety of pedestrians and road users to achieve:

- Lighting of access road in compliance with LTN1/20
- Potential two lane widening of Gosbecks View
- Request that Essex County Council Highways Department review the potential for a left-hand turning land to provide direct access from Cunobelin Way
- Seek provision of footway along Gosbecks View or along alternative access arrangement that is LTN1/20 compliant.
- Review proposed Section 106 contributions to focus on project delivery in Shrub End including potential War Memorial funding.

**RESOLVED (UNANIMOUSLY)** That the application is deferred for future consideration by the Committee with Delegation given to the Head of Planning to seek revisions to the scheme in the interests of the safety of pedestrians and road users to achieve:

- Lighting of access road in compliance with LTN1/20
- Potential two lane widening of Gosbecks View
- Request that Essex County Council Highways Department review the potential for a left-hand turning land to provide direct access from Cunobelin Way
- Seek provision of footway along Gosbecks View or along alternative access arrangement that is LTN1/20 compliant.
- Review proposed Section 106 contributions to focus on project delivery in Shrub End including potential War Memorial funding.

