

Planning Committee

Thursday, 19 October 2023

Attendees: Councillor Lyn Barton, Councillor Robert Davidson, 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:
Substitutes:

1025 Site Visits

A site visit was conducted for the following applications:

- **231640 Land Off, Hall Road, Copford, Colchester** – Attended by Cllrs Lilley, Barton, Davidson, Hogg, and MacLean
- **220317 Gamet Bearings, Hythe Station Road, Colchester, Essex, CO2 8LD** – Attended by Cllrs Lilley, Barton, Davidson, and Hogg

1026 Minutes of Previous Meeting

The minutes of the meeting held on the 17 August 2023 were confirmed as a true record.

1027 231640 Land off, Hall Road, Copford, Colchester

The Committee considered an application for the creation of 50 no. two, three-, four-, and five-bedroom houses and associated infrastructure, plus public open space in the centre of the site and access works on Hall Road. The application was referred to the Planning Committee as it had been called in by Councillor Ellis due to concerns about highway safety and the acceptability of the access point.

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

James Ryan, Planning Manager, presented the application to the Committee and assisted the Committee in its deliberations. The Committee were shown the red line plan for the application as well as the indicative plans of the dwellings proposed on the site. The Committee were shown photos of the site alongside street elevations and the point of access along Hall Road. The Planning Manager detailed the access arrangements off of Hall Road showing detailed plans of the proposed pathways as well as the lower kerbing to allow run over on the corner for HGVs. The Committee heard that the proposed lowering of the Kerb and the junction improvements and access had been assessed by Essex County Council's Highways Team as acceptable. The Committee heard that the site had been allocated in the adopted Local Plan with a single Access which was considered to be appropriate to the site as

vehicles would not be travelling further up the road towards the sewage works. The Planning Manager detailed that there was sufficient overlooking of the public open space providing natural surveillance and that the landscape boundary would bolster the border of the Public Right of Way. The Planning Manager detailed that an outline permission had previously been before the Committee on this site for up to 49 dwellings prior to the adoption of the Local Plan which had been deferred by the Planning Committee on the basis of prematurity and highway concerns and then subsequently withdrawn by the applicant. It was noted that the proposal before Members was a full application and that the policy context was much clearer since the adoption of the Local Plan and concluded by detailing that the officer recommendation was for approval as detailed in the Committee report.

Graham Barney (Chair of Copford with Easthorpe Parish Council) addressed the Committee pursuant to the provisions of Planning Committee procedure Rule 8 in opposition of the application. The Committee heard that there were issues building on the curtilage of a Grade 2 Listed Building and that the biggest concern regarding the proposal was the access to the site off of Hall Road detailing that a shared pathway was not a sufficient solution. The Committee heard that the road was 5.8 -5.5 metres wide and was below the acceptable width for a type F road of 6 metres and also a type E road. The Committee heard that provision was in contradiction of the minimum standard and asked if the Essex Design Guide was being ignored and if this was the case then why. Further concern was raised regarding HGV's and vehicles servicing the sewage works and whether highways and public safety was being observed through paragraph 111 of the National Planning Policy Framework as the possible 120 movements from the site did not consider the cyclist connectivity.

Andrew Owen (Applicant) addressed the Committee pursuant to the provisions of Planning Committee procedure rule 8 in support of the application. The Committee heard that they commended the work undertaken by Officers of the Council and the report that had been presented to the Committee through the proposed residential allocation in the adopted Local Plan. The Committee heard that the Local Plan provided certainty for investment in Colchester and would bring in money through the supply chain to the Local Economy. It was noted by the speaker that the proposal would support local infrastructure and was being built above environmental standards as defined in Building Regulations and concluded by asking that the Committee approve the proposal.

Councillor Andrew Ellis addressed the Committee as Ward Member for Marks Tey and Layer. The Committee heard that on the previous evening Full Council had endorsed and adopted the Neighbourhood Plan for Copford with Easthorpe which was a diametric opposite of the Local Plan allocation that was imposed upon the community by City Planners. The Committee heard that an application that had previously been proposed for the site had been deferred and detailed their hope that Members were able to visit the site. The Committee heard that the width of Hall Road would not accommodate the movements from the proposal and that the proposed gardens on the site were smaller than those in the surrounding area as well as detailing that the runover of the proposed junction improvements failed to meet

planning standards. Members heard that it was not possible for a child in a push chair to pass another pushchair coming the opposite direction and that the proposal was just an accident waiting to happen. The Visiting Councillor outlined that they did not feel that the proposal before the Committee was progress and that if the proposal was approved then lessons should be used from the allocations process and detailed that the Neighbourhood Plan has been ignored as the proposal did not include any bungalows. The visiting Councillor concluded by detailing that there should be a difference in height with some bungalows and roof heights and that the site should not all be 2 storey houses.

A Member of the Committee queried the status of the site and what options were available to the Committee.

At the request of the Chair, Simon Cairns, Joint Head of Planning, detailed that the proposal before them was a full application and was a fully adopted site in the Local Plan and detailed that the site access was considered by the Planning Inspectorate. The Committee heard that they had a duty to determine the application in accordance with the development plan taking into account planning considerations and that access to the site had to be taken from Hall Road. The Joint Head of Planning concluded by detailing that the expert advisors for Highways had found the proposal to be acceptable and that it would be unwise to not take their expert advice.

At the request of the Chair, Martin Mason, Strategic Development Engineer from Essex County Council Highways Department detailed that the proposal was similar to the application in 2020 and that the access proposals were almost the same. The Committee heard that the proposal had undergone a substantial pre-application consultation where it was considered by the Council and the Highways Department. The speaker detailed that they would not put their name to a scheme that they did not feel was safe and confirmed that there would be a modest level of traffic using the junction.

In response to questions from the Committee the Strategic Development Engineer outlined that there was wheelchair access on the proposed pathways on Hall Road and that the kerb had been raised 25mm from the road height that would enable larger vehicles and cars to mount the footway if that was necessary. The Committee heard that there was no standard footway width and that smaller footways were acceptable and was an issue that could be seen around the County.

Members debated the proposal raising concern about the road and the access with regards to the separation of cars on the road and the use of the pavement as well as how often Anglian Water used the road to service the sewage works.

At the request of the Chair the Planning Manager detailed that they had received correspondence with Anglian Water that the treatment plant would be serviced by

tankers 3-5 times a week.

The Committee continued to debate the proposal on issues including: the adequacy of the proposal and whether it could be improved further as well as the impact that there would be on the character of the area considering its location near an ancient woodland. Some Members noted that there were no jobs in the immediate area and that there would be an extra 120 car movements and that there was encouragement for cycling but that it was not enforceable.

Some Members raised concerns about highway safety and whether there would be sufficient room for two cars to pass at the junction on Hall Road and how this could be achieved with two HGVs travelling in opposite directions.

The debate continued with Members discussing whether a passing place could be installed on Hall Road. At the request of the Chair the Strategic Development Engineer outlined that the a passing place was not something that had been put forward by the application or the previous iteration and detailed that it could interrupt the pathway which would be less safe than what was currently proposed and that improvements needed to be secured for the new residents of the site.

Members continued to debate the proposal on issues including: the access and whether it was safe and adequate for the road, that the site was allocated in the adopted Colchester Local Plan, and that there was a lack of bungalows on site, the density of the site and the proposed play area as well as concerns for existing residents on London Road and the impact that this would have on their amenity. Members noted that there was no request from Essex County Council for a circa £500,000 contribution towards education, and questioned the insufficient information on details. Members discussed the proposed environmental measures on site as well as the use of electric car charging facilities and whether the Public Right of way was suitable as a route and whether anything further could be done to provide hard surfacing for the entirety of the pathway to the school.

At the request of the Chair the Planning Manager responded to the Comments from the Public speakers and questions that had been raised during the debate. The Committee heard that the proposal was assessed under the full weight of the Neighbourhood Plan that had now been made and adopted by the City Council. The Committee heard that there was an expression of favour for bungalows in the Copford with Easthorpe Neighbourhood Plan but that this was not a specific requirement and detailed that as bungalows tend to take up more land then this could result in a reduction in density and therefore mean that more houses were needed in another area. The Committee heard that the proposal provided 15 affordable homes and that the landscaping on site would be secured via a condition whilst noting that it would be difficult to enforce additional screening at the back-to-back dwellings opposite existing houses but confirmed that there was generally a 24 to 25m gap between the built forms as set out in the report. The Planning Manager confirmed that Essex County

Council had not requested any further funding for schooling provision as it was no longer required and detailed that if the Committee did use this as a reason for refusal then they would not support that reason at any appeal. With regards to the detailing on the site the Committee heard that the proposal would be of a high quality which would include pantile slates, clay appearance concrete and other detailing on site. The Committee heard the applicant was using a fabric first approach, that there was a condition regarding Electric Vehicle Charging points and that the developer was providing some solar panels as well as air source heat pumps and heat pump recovery systems which went beyond the minimum requirements. Members were asked to note that the Public Right of Way to the school was not hard paving for the entirety as it was seen as an urbanising feature through the forest area by the Public Right of Way Team, and that the fire service had responded and confirmed that a vehicle could enter the site, turn around and exit in forward gear. The Committee were informed that many of the matters that were discussed were of principal which had been confirmed through the site's allocation.

Concern was raised by the Committee regarding the response from the Education authority and why they were not asking for education provision on the site. At the request of the Chair the Joint Head of Planning advised the Committee not to unpick the site from its allocation in the Local Plan especially regarding the access to the site which had not fundamentally changed since the previously deferred application.

Members debated the proposal noting that Essex County Council's Highways Department had not objected to the proposal and that it had been considered by the Planning Inspectorate through the Local Plan examination. Debate continued with some Members expressing concern regarding the Affordable Housing Provision and whether this would be linked to the local area, that the access did not support wheelchair users, and that if there was no element of amending the proposal that the Committee could provide why was the Committee being asked to look at the application.

The Planning Manager advised Members that there was no intention of linking the Affordable homes to a local need as was being trialled in the Layer De La Haye the The Folley local plan allocation.

It was proposed and seconded that the application be approved as detailed in the officer recommendation with the correction of the plans regarding the tree at the bell mouth of the access.

RESOLVED (FIVE votes FOR and ONE vote AGAINST with FOUR ABSTENTIONS) That the application be approved as detailed in the officer recommendation subject to the Section 106 funding, and that the tree be removed from the bell mouth of access through a revised plan.

A short break was taken between 19:25-19:35 following the conclusion of 231640 but before the commencement of 220317.

1028 220317 Gamet Bearings, Hythe Station Road, Colchester, Essex, CO2 8LD

The Committee considered an application for the demolition of former bearings factory and erection of new building comprising 3 no. blocks over four and five storeys containing 65 no. residential apartments and 2 no. commercial units (Class E) with undercroft car parking (revised drawings received) . The application was referred to the Planning Committee as the application had been called in by Councillor Tim Young owing to concerns about impacts on residential amenity, parking and congestion.

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 would demolish the existing buildings on site and replace them with 65 1- and 2-bedroom residential apartments with commercial units on the ground floor. It was noted that since the publication of the report a review had indicated that further monies were available through a section 106 agreement and that this would mean that the funds would be no lower than those detailed in the report. The Committee were shown the proposed built form of the proposal which would have 61 car parking spaces and residential cycle parking which would be internal to the structure and secure. The Principal Planning Officer detailed that there was a provision on site for electric vehicle charging and that the infrastructure was being put in place to convert the normal spaces to electric vehicle charging in the future. The Committee were asked to note that there would be balconies on some of the apartments and went through the floorplans and at each level detailing the proposed room layouts and the podium level, and were also shown indicative views of what the development would look like if approved. The Principal Planning Officer concluded by detailing that there had been an analysis of daylight and sunlight impacts on existing properties and that the officer recommendation was for approval as detailed in the Committee report.

Robert Pomery (Applicant) addressed the Committee pursuant to the provisions of Planning Committee procedure rule 8 in support of the application. The Committee heard that they had been working with successive planning officers on the application in a collaborative process noting that the site resided in the Hythe regeneration area and that although the site was surplus to requirements it would make the best use of the land in a highly sustainable location with a high frequency bus service as well as job opportunities within walking distance. The speaker outlined that there had been relatively few objections which had been based around sunlight and daylight and concluded that the scheme was policy compliant and recommended for approval.

Councillor Tim Young addressed the Committee as Ward Member for Greenstead. The Committee heard that the current disused building on site was an eye sore and in need of development but that did not mean that the application before Members was the right one. The Ward Member drew attention to the fact that there was no affordable housing on site and that there would be a loss of amenity for residents and that there were existing issues of speeding along Greenstead Road. The Committee heard that there were concerns about the design and that the Civic Society had commented that there had been no green open space for residents and that there were concerns regarding the traffic management plan. The Ward Member outlined that more could be done for the Hythe than what was before the Committee and asked the Committee to send the application back to ensure that affordable housing could be provided on site. The speaker also questioned the detail of the Section 106 agreement regarding the NHS contribution as the improvements were never seen in the area and queried why the leisure contribution went to Castle Park which was nowhere near the proposal. The visiting Councillor concluded by detailing their concern that the proposal would become sub-standard student accommodation.

At the request of the Chair the Senior Planning Officer responded to the points raised by the have your say speakers. The Committee heard that there was some contamination on site and that a further viability review detailed that there was currently £238,639 secured with projects identified by the Council's Development team and detailed that one area that could not be changed was the £39,900 for the NHS. The Committee heard that if they wanted to prioritise a different area then this could be investigated but added that the site benefitted from the vacant building credit and that there was commercial floorspace. It was noted that the proposed form and height would not be overbearing on the area and had been assessed accordingly and that there would be some green space along the frontage of the site with the Urban Design Officer commenting that they felt that the proposal had an innovative design and would bring wider regeneration to the area. The Principal Planning Officer outlined that the Civic Society's most recent comments were in the committee report and that all the units complied with the Nationally Described Space Standards, that there would be communal space on the podium deck and concluded that flooding had been addressed by resilience measures proposed.

Members debated the proposal on issues including: the lack of Affordable Housing on site and whether there was anything that could be done regarding this. The Principal Planning Officer detailed that the Section 106 monies that were surplus was £198,739 which could be secure for affordable housing and that there may be scope to bring this up to max of £331,950 payment in lieu and would be the beneficiary and would ask that this is delegated to officers to identify areas for spend that are CIL compliant. The Joint Head of Planning added that this would be in consultation with the Ward Members for Greenstead where they would be included in the negotiations in the first instance.

Members continued to debate the proposal on the issues including the sustainable location of the development, what the maximum amount of Affordable Housing

provision would be on site, that the current building was not secure and what would happen to the large advertising boards on the edge of the site.

At the request of the Chair, the Principal Planning Officer outlined that the Affordable Housing if secured would be from within the existing proposal and that officers could negotiate to secure the maximum amount taking into account viability. The Committee heard that the advertising boards have been in place for so long now that they had deemed consent but added that they caused substantial injury to the area and that the Council was currently working to remove them, but they were subject to an appeal. It was noted that if the application as approved then this would add to the evidence base of why the advertising boards should be removed. Debate continued with some Members raising concerns regarding any potential fire in the car park as well as that the charging spaces could cause a fire related issue.

At the request of the Chair, the Principal Planning Officer detailed that there were no concerns regarding the trees in the area as they were within Highway owned land and that with regards to the car park there had been no objections from Essex County Council's Fire Service and confirmed that the proposal would be covered by building regulations to ensure safety and effectiveness.

RESOLVED (UNANIMOUSLY) That the application is approved as detailed in the officer recommendation in the report and amendment sheet subject to following:

- That delegated authority is given to the Head of planning to secure the quantum of Section 106 funding available and exact spend projects to be agreed with Ward Councillors for Greenstead, with the Affordable Homes provision being maximised on site.

1029 231661 Car Park To North, Napier Road, Colchester

The Committee considered an application to replace the existing information board with a smart locker installation and interpretation board in the form of a vinyl covering on a locker (revised description). The application was referred to the Planning Committee for reasons of transparency as the applicant is Colchester City Council.

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

RESOLVED (UNANIMOUSLY) That the application be approved as detailed in the officer recommendation.

1030 231611 The Kiln, The Folley, Layer De La Haye, Colchester, CO2 0HZ

The Committee considered an application for the installation of a ground mounted solar photovoltaic system using ground screws. The application was referred to the Planning Committee as the agent was an elected Member of the Council (Cllr Carl Powling).

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

RESOLVED (UNANIMOUSLY) That the application be approved as detailed in the officer recommendation.

1031 231810 14 Trinity Square, Colchester, Essex, CO1 1JR

The Committee considered an application for the proposed replacement windows and roof coverings along with brickwork repairs, replacement slate coverings for front walls to second floor. The application was referred to the Planning Committee as the applicant was Colchester Borough Homes.

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

RESOLVED (UNANIMOUSLY) That the application be approved as detailed in the officer recommendation.