

# PLANNING COMMITTEE

## 7 March 2024

<i>Present:-</i>	Cllrs Lilley (Chair), Barton, Hogg, MacLean, Mannion, McCarthy, McLean, Naylor, Tate and Warnes
<i>Substitute Member:-</i>	Councillor Naylor substituted for Councillor Davidson
<i>Also in Attendance:-</i>	Councillor Bentley Councillor Ellis

### 1050. Minutes of Previous Meeting

The minutes of the meeting held on the 25 January 2024 were confirmed as a true record.

### 1051. 230033 Land to the rear of, Dorothy Curtice Court, London Road, Copford, Colchester, CO6 1DX

Councillor Warnes joined the meeting after the confirmation of the minutes but before the commencement of application 230033.

The Committee considered an application for the erection of one assisted living block (for the over 55s) of 72 units comprising 32no. one bedroom flats and 40 no. two bedroom flats and associated communal facilities; erection of sheltered housing accommodation of 18 units (as an extension to the existing scheme at Dorothy Curtice Court for over 55s), comprising 13 no. one bedroom flats and 5 no. two bedroom flats; together with associated access, amenity space, vehicle and bicycle parking, EVC points, hard and soft landscaping, sub station, drainage ponds, boundary treatments and other associated works. The application was referred to the Planning Committee as the application had been called in by Councillor Ellis for the following reasons:

*“The fact that this is an allocated site in CCC Local Plan Section 2 is not in dispute. It was allocated, albeit contrary to the wishes of the village of Copford, with circa 130 objections to the allocation. This particular planning application has a considerable number of issues which need addressing prior to any approval for development in this location.*

*Policy SS4 clearly states that access will be via Queensbury Avenue AND/OR London Road, the expectation being that the access will be from London Road. It clearly states AND London Road OR London Road, the expectation being that access will be from London Road. It clearly states AND London Road, OR London Road, however one reads that, it can only be interpreted as London Road being an access point. The development proposal accesses the entire site from Queensbury Avenue, this is simply unacceptable. “Avenue” is a misnomer, Queensbury is in fact a cul de sac, serving a quiet and close community. The road is of insufficient standard to accept a great deal more traffic.*

*The Local Plan allocation is for 70 dwellings, the application is for 90! To accommodate this quantum of development on site the developer has had to increase the height of buildings, this has led to a development out of scale and therefore out of scale and therefore character with the local area. It does nothing to “enhance” the location in which it sits. There are issues with size, scale, landscaping, ecology, highways and woeful under provision of onsite parking. All of these can be addressed at the Committee, but it really does need to be a Committee decision should the recommendation be for approval.”*

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

Nadine Calder, Principal Planning Officer presented the application to the Committee and assisted them in their deliberations. The Committee heard that the application had previously been before the Committee on the 25 January and that the application had been deferred with delegation given to the Joint head of Planning to negotiate the following:

- Alternative access arrangements
- Reduction in the number of units to achieve compliance with site allocation policy SS4 (70 units) and;
- Reduction in size and scale of blocks from 3 storeys

The Committee heard that the applicant had decided that they wanted the application to be determined on the basis of the original application as the requested changes from the Committee were not possible for viability reasons and changes to access were not possible due to land ownership issues and details contained within transport consultants statement. It was detailed that due to the aforementioned reasons the application before the Committee was the same as the one that was deferred on the 25 January 2024.

The Committee were shown the layout of the site detailing the different floors of the building, the proposed solar panels and detailed the parking plan for the site. The Committee were shown the indicative sketch of the area and detailed that a Sustainable Urban Drainage System would be included on the site as well as the planting of 270 new trees. The Committee were shown photos of the site and proposed access and concluded by detailing that no changes had been made to the site, that the proposal was for 100% affordable housing, and that there was a biodiversity net gain on site.

Graham Barney (Chair of Copford with Easthorpe Parish Council) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Committee heard that if this proposal was compliant with the allocation then the Local Plan should be torn up. The speaker detailed their disbelief that there was not a conflict with the Copford with Easthorpe Neighbourhood Plan and policy CE3 therein regarding design and detailed that no site visit had been undertaken by Essex County Council’s Highways Department. The Committee heard that there was enough space for an alternative access from Willow Park and concluded by detailing that the concerns of the community had been ignored, that it did not conform to the Neighbourhood Plan and asked that the application be refused.

Karen Crowder-James addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that following the deferral a further transport assessment had been undertaken and detailed that there would need to be demolition of existing property and confirmed that the applicant did not have control over Willow Park. The speaker detailed that the proposed access to the site

would necessitate the removal of some trees and confirmed that there would be less vehicle movements on site compared to normal family dwellings being on site in the allocation. Members heard that the UK was suffering from a housing crisis with a lack of affordable housing being available which could be eased with the approval of the application before the Committee. The speaker concluded by detailing that the proposal would create ready made housing for people in need and would be run by a registered housing provider who would own and operate the site and detailed that there were no reasons to refuse the proposal.

Councillor Andrew Ellis addressed the Committee as a visiting Councillor and Ward Member for the application. The Committee heard that the pre-application advice had sought to use the Willow Park access and detailed that the application was in breach of Policy SS4 and detailed that the proposal did not represent good design or mitigate the impact of the development on the area. The Committee heard that the application had been deferred to look further into certain issues and detailed that the applicant had refused to amend the application on the basis of viability and outlined that they struggled to accept this argument and that they did not think that the proposal met the highest design standards. The speaker detailed that if a scheme was not well designed then it should be refused and outlined that the fear of an appeal should not impact a decision and detailed that the scale and mass of the proposal was a reasonable reason for refusal.

Councillor Kevin Bentley addressed the Committee as a visiting Councillor and Ward Member for the application. The Committee heard that they did not think that the proposal met the criteria for a beautiful proposal and detailed that there were issues regarding congestion in Copford with traffic flowing from the A12 through to Stanway and other areas and outlined that this application would not improve the situation in the area or more locally on Queensbury Avenue. The speaker outlined that if the application was approved then it should be conditioned that no construction traffic park on Queensbury Avenue and asked the committee to think about the wider issues such as the congestion in the Stane Park area. The speaker concluded by detailing that as ward Members they had a combined expertise of 42 years and that as this proposal was wrong it should be refused.

A short break was taken following the Have Your Say Speakers to resolve a live streaming issue.

The Democratic Services Officer read out a statement from Councillor David King as follows:

*"I rarely make a contribution to planning committee deliberations. But given the housing crisis I ask you give particular weight to the contribution the Anchor development can make.*

*The development is said to be a Net Zero site with air source heat pumps, solar panels and high-quality fabric standards from a trusted supplier.*

*Most critical I understand this application to be for 90 units, all categorised as affordable with 40 x 2 bed over 55s shared ownership. Plus fifty-, one- or two-bedroom social rent units for over 55's.*

*The 50 Social rented units will be let through the Gateway to Home choice and will enable downsizing from much needed family homes or to decant tenants from one of our sheltered schemes that requires modernisation, which could then either be sold and the proceeds recycled, or the site redeveloped into affordable housing, in either case through the HRA."*

*If planning permission is not granted, we can only speculate on what will happen next. But I understand the most likely outcome would be that the site is sold to a private developer. If so the CBH view is we may achieve 20 affordable units through S106. Given market weakness sale and development plans cannot be assured. But we can be sure it would be after a significant delay. And would be a significant shortfall on the 90 affordable units being offered.*

*Given the crisis we have in housing, with hundreds in temporary accommodation, with demand and cost rising, I respectfully ask members to give a particular weight to the contribution this development could make in providing extra capacity for local residents, and freeing up homes in particular demand.”*

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 the applicant had chosen to keep the application in its original format as originally presented to the Committee and detailed that the site had been allocated and as such the principle of development had been agreed for the site. The Committee heard that Essex County Council's Highways Department had been consulted and discussions had taken place where they had agreed with the transport addendum put forward by the applicant and detailed that there were not any highway safety grounds that would warrant an objection.

Members debated the proposal on issues including: the proposed car movements that would be created from the development going onto Queensbury Avenue and crossing an established footpath going onto back land and possible farmland. Members detailed that the age of residents would not prohibit residents from using cars and that the proposal needed to be accessible with shopping facilities nearby and that the design needed to be amended.

At the request of the Chair, the Principal Planning Officer detailed that officers have no negotiating power to force applicants to amend applications and that if the Committee resolved to defer the application then the same application would be returned to the Committee.

Members continued to debate the application on the issues including: the policies contained within the Neighbourhood Plan, the issues surrounding a possible appeal if the application was refused, that if approved it would mean that the HGV's would be travelling along Queensbury Avenue which some Members found to be unacceptable.

In response to a question from the Committee the Principal Planning Officer and Joint Head of Planning detailed that the policy for SS4 detailed that access to the allocation would be taken off of Queensbury Avenue or London Road and confirmed that there had been no objection from Essex County Council's Highways Department and detailed that if the Committee did decide to refuse the application on highways grounds then the Council would need to seek an expert that would defend this at appeal as the Council currently had no evidence to support this and could leave the Council open to costs at appeal.

Members continued to debate the proposal on issues including: the provision of 100% Affordable Housing on site, the amount of work that had gone into the Neighbourhood Plan and its policies therein, where residents could meet on site to socialise, and that the design of the proposal not meeting the Committee's expectations.

At the request of the Chair, The Joint Head of Planning asked Members to consider the application in context of the number of conventional homes that had been allocated to the

site and that the scale and car movements from this would exceed the proposal before the Committee and that due regard needed to be given to Local Plan Policy SS4 and detailed that access to services was not a relevant consideration as the principle of development had been secured through the Local Plan allocation. The Joint Head of Planning concluded by detailing that the scheme did come with significant public benefits in terms of Affordable Housing.

In response to a question from the Committee the Joint Head of Planning outlined that the beauty of a design was in the eye of the beholder and detailed that the question of design needed to be considered in the context of public benefits from the proposal.

It was proposed and seconded that the application be approved as detailed in the officer recommendation.

A vote was taken with FOUR votes FOR, and SIX votes AGAINST. The vote was lost.

At the request of the Chair the Democratic Services Officer outlined the Deferral and Recommendation Overturn Procedure (DROP) Flowchart. Following this the Joint Head of Planning detailed that the Committee did not have any evidence to refuse the application on highways grounds and advised the Committee to avoid this as a reason for refusal should the Committee be minded to refuse the application.

It was proposed and seconded that the application be refused for the following reasons:

Design, Scale and Massing , Policies contained within the Colchester Local Plan associated with design, Copford with Easthorpe Neighbourhood Plan policies CE3 and CE4 and that delegation is given to the Joint Head of Planning to draft the full reasons for refusal based on the heads of terms provided by the Committee.

*RESOLVED (SEVEN votes FOR and THREE votes AGAINST)*

That the application is refused for the following reasons:

Design, Scale and Massing , Policies contained within the Colchester Local Plan associated with design, Copford with Easthorpe Neighbourhood Plan policies CE3 and CE4 and that delegation is given to the Joint Head of Planning to draft the full reasons for refusal based on the heads of terms provided by the Committee.