

**PLANNING COMMITTEE**  
**30 November**  
**2023**

<i>Present:-</i>	Cllrs Lilley (Chair), Barton, Davidson, Hogg, MacLean, Mannion, McCarthy, McLean, Tate, and Warnes
<i>Substitute Member:-</i>	
<i>Also in Attendance:-</i>	Cllr Harris Cllr Sunnucks

**1036. Minutes**

The minutes of the meeting held on the 28 September 2023, 19 October 2023, and 9 November 2023 were confirmed as a true record.

Prior to the start of item 7 and determination of applications the Chair detailed that they had changed the running order so that applications would be heard in the following order:

1. 232148 John Castle Way, Colchester
2. 231153 Land to the East of, Newbarn Road, Great Tey
3. 230761 Holly Cottage, Straight Road, Boxted, Essex, CO4 5QN

**1037. 232148 John Castle Way, Colchester**

The Committee considered an application for retrospective planning permission for the erection of a fence in the alleyway adjoining John Castle Way and Bourne Court to prevent documented anti-social behaviour such as: drug dealing, trespassing, and threatening behaviour. The application was referred to the Planning Committee as the application had been called in by Councillor Warnes and is controversial locally.

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

Philip Moreton, Planning Officer presented the application to the Committee and assisted them in their deliberations. The Committee heard that a consultation response from the Police had been included in the Amendment sheet and detailed that the fence as shown in the photographs presented to the Committee and detailed that the closing of the route would mean the loss of an accessible route as well as the need to promote an accessible route. The Committee heard that the issues regarding anti-social behaviour had been taken into consideration when making a recommendation. The case officer detailed that the recommendation had been amended to provide a compromise solution to allow approval of the application with further conditions to secure a lockable gate along John Castle Way.

Jennifer Radford addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Committee heard that they were speaking on behalf of local residents who were on both sides of the fence and detailed that it was frustrating to residents as they had been cut off and had meant that some house numbers on John Castle Way were no longer recognised as part of that road by the postal service. The Committee heard that the speaker had never seen any suspicious behaviour on the pathway or the use of motorcycles but had seen many confused walkers. The Committee heard that the speaker had lived in Bourne Court for 11 years and had never experienced any of the issues of threatening behaviour except for one issue. The speaker detailed that many people used the pathway to walk to Abbey Field. The speaker detailed that they suffered from mobility issues and that the retention of the fence would mean a journey three times longer than without and that it would necessitate the use of a car journey.

Councillor Dave Harris addressed the Committee as Ward Member for Berechurch. The Committee heard that the original application had been agreed in 2016 and that following residents moving onto the site issues had emerged with some motorbikes going down the footpath. It was noted that previously on site there were staggered gates to stop motorcycles and that the Police had been contacted regarding these incidents but detailed that there needed to be a facility to walk through down John Castle Way. The Ward Member detailed that they had received comments from residents both supporting and objecting the proposal for retention and if there was the possibility of a resident locking a gate for access that could work but reiterated there should be some form of route though, that the current situation was intolerable for some residents and that CCTV could ameliorate the anti-social issues in the area.

At the request of the Chair, the Planning Officer responded to the points raised by the Have Your Say Speakers. The Committee were referred to the Amendment Sheet where the Designing Out Crime Officer had detailed that there had been no reported crimes of anti-social behaviour in John Castle Way in the last 12 months. It was detailed that officers would like to see the pedestrian route stay open and that the recommendation had been amended to include a lockable gate. The Planning Officer further confirmed that the John Castle Way was not a designated Public Right of Way.

Members debated the application on issues including: the need for an open and transparent discussion on the application around the benefits of keeping the pathway clear for use by pedestrians and cyclists. It was noted by the Committee that there did appear to be elements of anti-social behaviour in the area and a query arose as to whether the developer had sought a certificate of development for the proposal prior to the application coming before the Committee. Concern was raised by the Committee on the sudden change in recommendations as there were areas that required further consideration including the hours of closure of the gate as well as the impact that this would have on the local community.

At the request of the Chair The Joint Head of Planning, Simon Cairns, detailed that the change of recommendation had come about from a discussion on how to reconcile the community interest of the walkway alongside the Community Safety issues and realised that a solution was possible to compromise and condition a lockable gate following further discussions.

Members continued to discuss the proposal with some Councillors commenting that it was a reasonable compromise but that there was concern in how it had been handled and whether it would set precedents for other developments as well as Committee decisions. Further debate continued on whether there needed to be additional lighting on the pathway, that a further consultation was needed with the Police and local residents on the proposed changes

as well as the applicant.

It was proposed and seconded that the application be deferred to allow consultation with the planning agent/applicants and community over potential installation of a lockable gate in lieu of existing unauthorised fencing. Furthermore, it was resolved that the item would be returned to the Committee for consideration.

*RESOLVED (NINE votes FOR, and ONE vote AGAINST)* That the application is deferred to allow consultation with the planning agent/applicants and community over potential installation of a lockable gate in lieu of existing unauthorised fencing. Furthermore, it was resolved that the item would be returned to the Committee for consideration.

### **1038. 231153 Land to the East of, Newbarn Road, Great Tey**

The Committee considered an application for approval of reserved matters following outline approval 212646 – erection of 30 dwellings and 1ha of public open space and access from Newbarn Road. The application was referred to the Planning Committee at the request of Members of the Planning Committee when outline planning permission for the development was granted at the Planning Committee meeting on the 31 March 2022.

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

Nadine Calder, Principal Planning Officer, presented the application to the Committee and assisted the Committee in its deliberations. The Committee heard that access to the site had been agreed in the outline application and detailed that the application before the Committee was for the layout and detail. The Committee were shown the details of the open space, drainage, and house types that detailed the floor plans and designs of the dwellings. It was detailed in the amendment sheet that Permitted Development (PD) Rights had been removed on some properties to ensure visual amenity on the development. The Committee were shown on a map which plots would have their PD Rights removed. The Principal Planning Officer concluded that the officer recommendation was for approval as detailed in the report with the additions from the Amendment Sheet.

Marian Hamer (Chair of the Great Tey Neighbourhood Plan Group) addressed the Committee pursuant to the provisions of Planning Committee procedure rule 8 in opposition of the application. The Committee heard that the Council had disregarded the support for sections 8.1 and 10 of the report and that residents had been consulted but had been ignored. The speaker detailed that it was inappropriate to have a response on urban design in a rural area and that they had been encouraged to meet the developer but were not advised that the delays would be detrimental to the community with some properties being 8 metres away from existing property. The Committee heard that the spatial strategy and the residential amenity space on the site was a subjective judgement. The speaker concluded by detailing that there was harm associated with plot 16 with three windows overlooking and asked that the Committee defer the application for further reconsideration.

Andrew Ransome (Agent) addressed the Committee pursuant to the provisions of Planning Committee procedure rule 8 in support of the application. The Committee heard that the outline planning permission had been granted on the 31 March 2022 and detailed that they had given consideration to all parties in the preliminary requirements and noted that the scheme had been allocated in the Colchester Local Plan 2022. The speaker detailed that the proposal was adjacent to existing development and provided a permeability to the existing

settlement and additional public open space within the application. The speaker concluded by confirming that there were no technical constraints on site and asked the Committee to approve the application.

Councillor William Sunnucks addressed the Committee as Ward Member for Rural North. The Committee heard that the Great Tey Neighbourhood Plan Group had been working on their plan for 7 years and outlined that they might have had influence over the proposal if they had not been overridden by the Essex Design Guide and detailed that the application could be tweaked to get a solution that everyone could be happy with.

At the request of the Chair, the Principal Planning Officer detailed that the Urban Design Officer as detailed by the Objector was a job title and that they looked at how to create places. The Committee heard that officers had not ignored the comments of the community or the Neighbourhood Plan Group but confirmed that the principle of development had already been agreed on site and that it would not be an improvement for residents that currently enjoyed uninterrupted open views of the field. It was noted that access to the site was off of Newbarn Road as opposed to Farmfield Way which would have a larger impact on existing residents. The Principal Planning Officer concluded by detailing that the layout conformed with the Local Plan and that the plots on the site detailed as compromising residential amenity were bungalows and that there would not be a materially harmful impact.

In response to questions from the Committee the Principal Planning Officer confirmed that it was only the reserved matters remaining on site that needed to be approved and that there was pedestrian and cycle access through to Farmfield Way with no potential for the addition of a play area for children as this would have needed to be secured through the outline permission.

*RESOLVED (EIGHT votes FOR with ONE vote AGAINST and ONE ABSTENTION)* That the application is approved as detailed in the officer recommendation in the report and conditions contained within the amendment sheet.

### **1039. 230761 Holly Cottage, Straight Road, Boxted, Essex, CO4 5QN**

The Committee considered an application for retrospective planning permission for construction of side boundary brick walls. The application was referred to the Planning Committee as the applicant was a former Councillor and a current Alderman of Colchester City Council. Section 9 of the Planning Procedures Code of Practice requires all applications which are submitted by or on behalf of former Councillors (within the last 6 months) to be reported to the Planning Committee.

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

*RESOLVED (UNANIMOUSLY)* That application 230761 is approved as detailed in the Officer recommendation.