

Planning Committee

Thursday, 25 January 2024

Attendees: Councillor Robert Davidson, Councillor Mike Hogg, Councillor Michael Lilley, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McLean, Councillor Leigh Tate, Councillor Martyn Warnes

Apologies: Councillor Lyn Barton, Councillor Sam McCarthy

Substitutes: Councillor Mark Cory (for Councillor Lyn Barton)

1041 Site Visits

A site visit took place for application 230033 Land to the Rear of, Dorothy Curtice Court, London Road, Copford, Colchester, CO6 1DX with the following Members in attendance:

- Cllr Lilley
- Cllr Hogg
- Cllr MacLean

A site visit took place for application 232206 Lodge Farm, Boxted Road, Great Horkesley, Essex, CO6 1DX with the following Members in attendance:

- Cllr Lilley
- Cllr Hogg

1042 Minutes of Previous Meeting

The minutes of the meetings held on the 30 November 2023 and 14 December 2023 were confirmed as a true record.

1043 **230033 Land to the Rear of, Dorothy Curtice Court, London Road, Copford, Colchester, CO6 1DX**

The Committee considered an application for the erection of one assisted living block (for the over 55s) of 72 units comprising 32 no. 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, substation, 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 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 site was allocated in the Colchester Local Plan under SS4 and that it did exceed the allocation number and that there was a large amount of tree planting on site. The Committee heard that the proposal included Assisted Living and Sheltered Housing and detailed that part of the extension of the allocation was due to the public open space. The Committee were shown the floorplans of the assisted living block and that there were solar panels on the roof. The Committee were shown photos of the site which included the proposed access, Dorothy Curtice Court, and the other access location that was assessed and not pursued along London Road at Willow Park. It was noted that this access would need to be widened, that some buildings and a commemorative garden would have to be removed, and that it had been assessed there could be a detrimental impact on a listed building. The Committee heard that it had been assessed that the 90 units could be provided on the site in a policy compliant way and that the benefits of the scheme outweighed the harm. The Principal Planning Officer concluded by outlining the contents of the amendment sheet and asked the Committee to note that that scheme was 100% affordable housing, that 274 new trees

would be planted on site, and detailed that the officer recommendation was for approval as detailed in the report and amendment sheet.

Steven Braund addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Committee heard that the proposal before the Committee did not meet the requirements of the allocation and that the 90 dwellings on the site was a 30% increase. The speaker drew attention to the paragraph 15.5 and 15.6 regarding the proposal exceeding the site allocation and that the proposal did not include a mix of development and that a three-storey building did not fit in with the area. The Committee heard that the access being taken off of Queensbury Avenue was not in accordance with the Essex Design Guide and that the traffic movements from the site would exceed the limit for the road that was currently serving a large number of dwellings and queried the accuracy of the Road Safety Audit. The speaker concluded by querying whether the site really was within range of local services, that there would be an impact on the conservation zone and that the site failed to meet the policies and allocation set by the Council.

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 there was an identified need for assisted living housing and that the development was a logical extension and detailed that the allocation SS4 only mentioned family market dwellings and not assisted living. The Committee heard that the proposal met all of the sustainable development requirements and had appropriate parking with a lot of new trees being planted and detailed that the SS4 allocation policy supported access to the site from Queensbury Avenue and added that access had been assessed from London Road and was currently prevented due to demolishing existing housing, the removal of existing parking and would impact a listed building. The Committee heard that the proposal was supported by Essex County Council's Highways Department and summarised that there is a recognised need in this sustainable location and that there would be far less vehicles movements with this proposal than with 70 family dwellings.

At the request of the Chair the Democratic Services Officer read out a statement from Cllrs Ellis and Bentley as follows:

“Chairman and Committee members, forgive me for sending in a written representation on behalf of Cllr Kevin Bentley and myself as we are both already committed elsewhere at another meeting this evening.

I called in this application for the reasons set out in the report, and despite the officer recommendation, arrived at through weighing the application in the planning balance, I have to assume that the planning officer has a set of scales that weigh very differently to mine. Cllr Bentley, myself and the residents of Copford sincerely hope that the Committee scales weigh in our favour and against the applicant.

We assume that the applicant will tell you that this application was undertaken with community consultation. The community feel this was a tick box exercise only, and their responses made no difference to the applicants' original plans. The initial planning officer Eleanor Moss, did manage to make some alterations, but as I hope you can see this evening, they do not go far enough to make the scheme acceptable.

I'll admit to reading the committee report with a growing sense of incredulity, how, in this day and age, we can accept a poorly designed scheme (admitted in the report) on the basis it's made acceptable because future occupants are to be given the opportunity to interact with one another? While we agree health and well-being are of great importance, the building in which residents are to enjoy this sense of camaraderie will, one expects stand for considerably longer than the lifetime of its occupants, your and our lifetimes and the lives of our offspring. It is simply unacceptable to posit that poor design can be outweighed by health and well-being. The two should be indivisible. Therefore the first reason for you to refuse this application is on grounds of poor design. It conflicts with Section 2 policies SP7 and DM15. Copford and Colchester deserve so much better than inadequate design that fails policy compliance, we should be insisting on excellence and this simply isn't it. Ask the presenting officer if they think this design is excellent? If not, why is it recommended for approval?

And why is the building mass so great and the additional storey height required? It's because the applicant is stuffing additional units into the scheme, a 30% uplift over the 70 homes specified in SS4. We vehemently disagree with the planning officers' statement that the development could be considered to comply with SS4 and ask committee to consider this point carefully, her policy interpretation requires close scrutiny and her conflicting statements in the report about the built form being at odds with the surrounding built environment and yet being SS4 policy compliant simply makes no sense to us. Failing to comply with Local Plan Policy SS4 is another reason for refusal.

The additional units causes a further issue, that of inadequate parking provision. This is woefully under standard for a remote out of town location with poor public transport provision. Please interrogate this point fully, and consider inadequate parking provision as yet another reason for refusal.

Now turning to the access issue. We believe not nearly enough has been done to address this. Policy SS4 clearly states that the access should be from two locations, Queensbury Avenue, a Cul de sac, AND/OR London Road. The applicant already owns the land to access this site from two locations on London Road, Willow Park and Dorothy Curtice Court. They refused from the beginning to fully explore the possibility of the DCC access, saying that it would require the demolition of two existing resident's homes. Whether true or not, this is not a reason to close debate on the use of the London road access stipulated in SS4 by the Local Plan Examiner. As an

authority we have displaced far larger numbers of residents in need of assisted living when redeveloping sites such as Elfreda House. It's not impossible to do and the displaced residents could then be provided a new and better home, hardly impossible in a scheme of this size. Question... did planning officers explore this option and if not, why not? Forcing all of the traffic along Queensbury might be deemed acceptable by a highways officer sitting in their office in Chelmsford, in reality it will be a disaster for existing residents. We implore Committee to insist on a London Road access.

And finally, in para's 16.38 and 17.3 the planning officer talks of a sustainable location within walking distance of a number of key local services and facilities required for day to day living. Please ask her to give you the details of these, to show you where they are in relation to this development and then to explain how the residents this application is catering to, will access those facilities on foot and return home on foot. It's a flawed assumption and as with so many flawed assumptions in this report, has been used to weigh in favour of what is clearly an unacceptable development. Please tip the scales the other way, refuse it and ask the applicant to revise the scheme downward in numbers and revisit the issue of access to make it policy compliant."

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 design was not of an outstanding nature but it did not have to be and was acceptable and confirmed that there had been no objection from the Urban Design Officer. The Committee heard that the site had been allocated and therefore it was acceptable for habitation and for houses to be built on site. It was noted that access to the site had been explored and although the access from Queensbury Avenue was not acceptable to residents it was acceptable in policy terms and confirmed that other options had been explored in detail.

Members debated the application on issues including: that if another access route was explored then a lot would have to be demolished, that the proposal was higher than the allocation of 70 homes but that the proposal would be for 90 assisted living units which would be 100% Affordable Housing. Members continued to debate whether facilities locally would support further development which included Doctors facilities with some Members feeling that it was inappropriate to put elderly people in a field next to the A12. Members also discussed the public transport links in the area and queried whether any access could be taken from Turkey Cock Lane.

The debate continued with Members noting the lack of facilities nearby, the number of proposed units, that the red line plan had been amended, that there was not a mix of development on site, and that some Members felt that this did not accord with the Neighbourhood Plan. Members discussed the proposal on issues including the design of the proposal, that some Members felt that the site was inappropriate for assisted living, and the effect that construction would have on existing residents of Queensbury Avenue.

The Principal Planning Officer detailed that the application was 3 storeys tall and that the area was well contained and could be seen at its worst currently with no foliage on the trees. It was noted that the site was well screened and it was assessed that the area could accommodate 3 storeys and that the sloping of the site created an effective use of land. The Principal Planning Officer detailed that the development would provide mitigations and confirmed that the Copford with Easthorpe Neighbourhood Plan did not have any policies on what should be on this site. The Committee heard that access from Willow Park was not being considered by the Committee and had not been assessed.

At the request of the Chair, Martin Mason, Strategic Development Engineer detailed that the Willow Road Access was not within the Highways Boundary or control and that the application was assessed on what was applied for.

Members continued to debate the application on issues including: the allocation's designation and that it had been assessed by a Planning Inspector, that one access point to the site was not acceptable, and that there would not be enough space for visitor car parking or deliveries. Some Members raised concern regarding the access and that this was the second time that an access from London Road had not met Members expectations.

At the request of the Chair the Joint Head of Planning (Simon Cairns) responded to the points made in the debate and detailed that allocation SS4 detailed 70 units that would be family homes and it was anticipated that the 90 units would create lower amount of trip designation due to the different class of dwelling.

At the request of the Chair the Strategic Development Engineer added that the traffic movements for the 90 units for assisted living would be significantly less than 70 family dwellings and that the NPPF Tests regarding capacity detailed that the impact had to be severe confirming it would be difficult to argue that on this application.

At the request of the Chair the Joint Head of Planning outlined that if the Committee did feel that the 90 units were unacceptable then harm would need to be identified and referred back to the comments from the Strategic Development Engineer that there was not any harm identified via traffic movements.

Members continued to debate the proposals on issues including: the provision of facilities in the area, and whether additional accesses could be considered. At the request of the Chair the Joint Head of Planning and Strategic Development Engineer detailed that allocation SS4 did not contain Turkey Cock Lane as a means of access in the allocation policy and that there would be associated concerns regarding capacity and safety.

It was proposed and seconded that the application be deferred and that delegation was given to the Joint Head of Planning to negotiate:

1. Alternative access arrangements
2. Reduction in the number of units to achieve compliance with site allocation policy SS4 (70 units)
3. And a reduction in the size and scale of the blocks from 3 storeys.

RESOLVED (SIX votes FOR and THREE votes AGAINST) That the application is deferred, and that delegation was given to the Joint Head of Planning to negotiate:

1. Alternative access arrangements
2. Reduction in the number of units to achieve compliance with site allocation policy SS4 (70 units)
3. And a reduction in the size and scale of the blocks from 3 storeys.

1044 232206 Lodge Farm, Boxted Road, Great Horkesley, Essex, CO6 4AP

A short break was taken between 19:16-19:27 following the conclusion of application 230033 but before the commencement of 232206.

The Committee considered an application for the construction of processing, packaging and dispatch building, with associated access, hardstanding, drainage, services and landscaping. The application was referred to the Planning Committee as the application had been called in by Councillor Laws for the following reasons: *“Residents are concerned about the sale and massing of this development as well as the light pollution on the edge of the Dedham Vale AONB with its recent efforts to improve “dark skies”.*”

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

Chris Harden, Senior Planning Officer presented the application to the Committee and assisted them in their deliberations. The Committee heard that the site was close to the Area of Outstanding Natural Beauty (AONB) and showed the Committee the current state layout of the site as well as the proposed processing and packaging building which would rationalise the existing processes on site. The Committee were shown photographs of the site and the surrounding area and were asked to note that the site was well screened from the surrounding properties in the area. The Senior Planning Officer detailed that the building would be 92 metres in length and that the height of the proposal had been reduced as far as was operationally possible. It was noted that the requirement for this operation in the business was to use automation and would change where products were currently stored on site so that the processes of the business could be more efficient. The Committee heard that two letters of objection had been received regarding the proposal which detailed the issues of

working hours on site, screening of the proposal from view, and a limiting the number of Heavy Goods Vehicle (HGV) movements. The Senior Planning Officer detailed that careful consideration had been given to the Highways concerns in the area and that there had been no objection from the (AONB) team or the landscaping officer. It was noted that it was not anticipated that there would be an increase in vehicle movements from the site and although the road was not ideal for HGV transport it did have legally secured passing places. The Senior Planning Officer concluded by detailing that the proposal would have to meet the rural lighting criteria, that extra planting would be needed to meet the canopy cover requirements and that there was an amendment to condition 15 which should include the rural Zone E2 lighting and that the officer recommendation was for approval.

Colin Leek addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Committee heard that they lived alongside the site and detailed that policy DM6 says that development would only be supported on exceptional sites. The speaker detailed that the proposal was for a 364-day industrial activity and that 70% of the products processed on site came from beyond Essex and as such should be located in an accessible employment area such as Langham or another location that had better access. The speaker detailed that there was nothing in the recommendations that would stop the doubling of HGV use and that the proposal would loom over their property and would come with noise pollution from air conditioning units and it was not clear how these would be mitigated against. The speaker concluded by detailing that there would be an impact of the building looming over their property and noise from the industrial building and moving vehicles.

Steven Rose addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard the application was for a new Onion processing facility as there was an ever-increasing demand for them especially in the form of peeled and chopped Onions. It was detailed that to achieve the demand and to stay financially viable there was a need for increased automation and efficiency. The speaker detailed that there was national and local support for food security and confirmed that Stourgarden Ltd was a field to store operation with profits being reinvested to the business. The speaker concluded that the business was a major local employer and the proposal before the Committee would support the vitality of the business.

Councillor Lewis Barber addressed the Committee as a visiting Councillor. The Committee heard that the site was within their County Division and detailed that there was an assumption of traffic increases in the report however there did not appear to be any evidence to support this or vehicle movements from the site. The visiting Councillor asked the Committee to defer the application so that further information could be sought on the vehicle movements so that the Committee could make an informed decision on mitigating and or limiting transport movements in the area.

At the request of the Chair, Martin Mason, Strategic Development Engineer for Essex

County Council responded that it was the Highway Authority's understanding that it was unlikely that the proposal would lead to a significant increase in traffic movements.

Members debated the proposal noting the size and scale of the building in context with the surrounding area and the amount of screening that would be needed. From this a suggestion arose regarding the planting of more mature trees to ensure the screening to lessen the impact of the development on existing residents.

In response to a question from the Committee the Senior Planning Officer detailed that a significant amount of planting was being provided on site and that the building would be as tall as a normal 2 storey building and that it was not considered to be overbearing. Further to this it was detailed that if the Committee were minded to approve the proposal then it would be possible to adapt the landscaping condition to ask for further details of tree planting to provide additional mature trees.

Members continued to debate the proposal on issues including the benefits of the proposal to the business as well as concerns being raised with regards to the traffic movements that could be created from the site.

In response to a question from the Committee the Senior Planning Officer detailed that the designated local produce coming from the site would be from Essex and South Suffolk.

It was proposed and seconded that the application be approved as detailed in the officer recommendation with the amendment to lighting as laid out by the Senior Planning Officer and as follows:

1. That Condition N.o 7 states that notwithstanding the submitted landscaping details a revised scheme shall be submitted and approved providing additional mature tree planting to facilitate instant screening and filtering of views from neighbouring dwellings. Species to be native to enhance biodiversity. Reason: to protect visual amenities enjoyed by neighbouring dwellings

RESOLVED (SEVEN votes FOR and ZERO votes AGAINST, with TWO ABSTENTIONS) That the application is approved as detailed in the officer recommendation with the additional condition as follows:

1. That Condition 15 includes reference to the Rural E2 lighting guidance

And

2. That Condition N.o 7 states that notwithstanding the submitted landscaping

details a revised scheme shall be submitted and approved providing additional mature tree planting to facilitate instant screening and filtering of views from neighbouring dwellings. Species to be native to enhance biodiversity. Reason: to protect visual amenities enjoyed by neighbouring dwellings

1045 232792 Land Fronting, Gosbecks View, Colchester

Robert Carmichael, Democratic Services Officer declared an interest as a close member of their family had worked on the application and as such recused themselves. Matthew Evans, Democratic Services Officer, clerked application 232792.

The Committee considered an application for the proposed construction of 3 no 3-bedroom & 3 no 2-bedroom bungalows and 1 no 3-bedroom houses with associated garaging and alterations to access road with pedestrian margin (resubmission of 231402). The application was referred to the Planning Committee as it 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 on application 231402 was also 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 lay-byes 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 of the main road nearby.”

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

John Miles, Senior Planning Officer presented the application to the Committee and assisted them in their deliberations. The Committee heard that the proposal was for 9 dwellings and that this was not the previous application that had been before the Committee and been deferred but was a new application. The Senior Planning Officer detailed that application 231402 had been appealed and was currently awaiting a

decision from the Planning Inspectorate. The Committee were shown the differences between the previous and current scheme and asked Members to note that there was an additional passing place and that a 1.2m pathway had been provided linking up Gosbecks Road and the communal visitor parking spaces as well as an informal pedestrian crossing. Furthermore, a size 3 turning head had been included that could be utilised for larger vehicles such as fire engines and refuse vehicles. Members were asked to note that the vehicular access was from Gosbecks View and that all proposed dwellings benefited from on site parking. The Senior Planning Officer concluded by showing the designs of the properties and outlining that the officer recommendation was for approval as detailed in the Committee report.

Richard Rayner addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Committee heard that the application before them was the same application but with a footpath which would narrow the road further and detailed that they did not consider a garage as a third parking space. The speaker detailed that there was no way that any oncoming traffic could pass one another, that the visitor space would become a permanent parking space with emergency services not being able to access properties in the turning head which would also be used for parking. The speaker detailed that there were biodiversity concerns with badgers being seen on site and concluded by detailing that once approved this application could not be rectified.

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 proposal before the Committee included a 1.2 m footpath that had not been included before which will improve safety along the road and noted that the proposed garages would be wide enough for vehicles being 3m x 7m with the parking spaces proposed being in excess of the estates in the surrounding area. It was noted that any further widening of the road would lead to damage to the heritage asset. The speaker concluded by detailing that a further consultation had been undertaken with Essex County Council's Highways Department where it was confirmed that Gosbecks View was the only viable access to the site.

The Democratic Services Officer read out a statement from Cllrs Barton and McCarthy as follows:

"My sincere apologies that I cannot be with you tonight. I speak on behalf of both myself and Cllr Barton.

I refer back to our comments when this application initially came to the committee. Bar the inclusion of a small footpath (making the road even narrower) all of my concerns remain.

This city deserves better. I appreciate that the land will be used for housing and

actually, the houses aren't the issue. It's the access.

I am truly staggered (but not surprised) that highways see no issue. They don't actually visit the site, I'm sure. This road simply cannot cope with more dwellings. This little lane was not built for that.

We must do better. It's no wonder residents across Colchester have such little faith in us, sometimes.

I hope that on this second occasion, more of you have visited the site, as it is crucial for understanding why Gosbecks View cannot be used as the access point.

Reading some of the new objections, I concur entirely and hope that you will have read those objections too. Not only is the little lane too narrow, it becomes overgrown rapidly in the warmer months. We know that we will not be able to keep on top of that. The pathway will become completely consumed. It is not fit for this.

Please, ensure that the applicants deal with all the concerns that were raised the first time around. They haven't so far. We need another access point, it's that simple." Cllr Harris addressed the Committee as a visiting Councillor. The Committee heard that they shared the concerns of residents on the proposal that was before Members especially with regards to cars reversing onto pedestrian pathways. The Committee heard that people would permanently park in the passing places and would lead to people parking on the pavement as this was overdevelopment of the site and asked that the Committee reject the proposal."

At the request of the Chair the Senior Planning Officer responded to the points made by the Have Your Say Speakers. The Committee heard that the previous application was with the Planning Inspectorate but a date had not yet been set for the appeal to begin and clarified that the carriageway width was not being narrowed by the introduction of the footway. The Committee heard that it created a balance between highway users and the environment of the lane and confirmed that the road was not a public right of way and that there were other pathways in the area including along Cunobulen Way. The Committee heard that parking was in excess of the minimum standards and that the road would be maintained by the Highway Authority once adopted.

In response to a question from the Committee Martin Mason, Strategic Development Engineer at Essex County Council's Highways Department detailed that a Section 278 Agreement would apply weighting restrictions to the road and at that time double yellow lines could be implemented on the lane.

Members debated the proposal noting the impact on existing residents, the highways situation along the lane, the country lane feel and whether this had already been lost. Members continued to debate the proposal on issues including the use of an informal pedestrian crossing.

RESOLVED (SEVEN votes FOR and TWO votes AGAINST) That the application is approved as detailed in the officer recommendation.

1046 232148 John Castle Way, Colchester

A short break was taken between 20:50-20:59 after the completion of 232792 but before the commencement of 232148.

The Committee considered an application for a retrospective application 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 it had been called in by Councillor Warnes and because it was locally controversial.

The Committee had before it a report 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 following the item being deferred officers had negotiated with the applicant who had confirmed that they did not wish to install a gate and as such officers had assessed the proposal and this had led to a recommendation of refusal as detailed in the Committee report on the basis of promoting active travel and sustainable transport.

Rennie Chivers addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Committee heard that the speaker lived 200m from the fence and used to walk along John Castle Way before it had been closed off. The Committee heard that the fence was isolating one address from the road and confirmed that county lines drug issues had stopped since this had happened. The speaker detailed that although this was the case it had stopped movement around the estate and that the fence would only deflect criminal activity and not resolve it.

Riki Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in Support of the application. The Committee heard that the speaker lived on John Castle Way and detailed that they had seen dirty needles and that there was anti-social behaviour in the area which had turned into criminal damage of thrown stones, and slashed tyres from challenging the drug dealers. The

speaker noted that the Police were so overrun that this was not considered a priority and detailed that since the fence had been erected there had been no problems. The speaker detailed that they understood why people wanted the cut through back along John Castle Way, but they outlined that they did not want to have to be picking up needles so that Children did not step on them.

Councillor Harris addressed the Committee as a visiting Member. The Committee heard that they had understood the arguments for the proposal to promote cycling and wellbeing when the original application had come forward and not long afterwards there had been complaints regarding mopeds using the area and as such bicycle inhibitors had been implemented. The speaker continued by detailing that there were many complaints regarding anti-social behaviour which had been documented by the Police and that following this the management company had been advised that they could erect a fence. The visiting Councillor concluded by detailing that they would like to see CCTV in the area or a lockable gate.

Members debated the proposal on issues including the disappointment that gate had not been supported by the applicant and that anti-social behaviour was a known issue in the area. At the request of the Chair the Joint Head of Planning advised that they were sympathetic to the possibility of a gate but that the applicant was unwilling to look at this option and as such Members had been left with a binary Choice of approving or refusing the application.

The debate continued with some members detailing that they felt that the bad behaviour should not be allowed to influence decisions but that there were very few options available and that there were not enough Police resources to deal with the issue. Members debated the possibility of the use of CCTV and whether this could be used to form a compromise.

It was proposed and seconded that the application be refused as detailed in the officer recommendation and that a statement is added concerning the need to prioritise public access through the site. Furthermore, that an informative note is added stating that no enforcement action will be taken by the Local Planning Authority within the 6-month period following determination to allow the applicants to explore and enhance measures to mitigate Anti-Social behaviour experienced including CCTV and lighting.

RESOLVED (SIX votes FOR and ONE votes AGAINST, with TWO ABSTENTIONS)

That the application is refused as detailed in the officer recommendation with the following additions:

1. That the Committee felt there was a need to prioritise public access through the site.
2. And, that an informative note is added stating that no enforcement action will be taken by the Local Planning Authority within the 6-month period following

determination to allow the applicants to explore and enhance measures to mitigate Anti-Social behaviour experienced including CCTV and lighting.