

PLANNING COMMITTEE

9 December 2021

<i>Present:-</i>	Councillors Davidson (Chair), Barton, Chuah, Lilley, Loveland, Maclean, Mannion, G Oxford, and Warnes
<i>Substitute Member:-</i>	Councillor G Oxford Substituted for Councillor B Oxford Councillor Loveland Substituted for Councillor Hazell
<i>Also in Attendance:-</i>	

884. Minutes

The Minutes of the meetings held on 19 August 2021, 9 September 2021, and 30 September 2021 were confirmed as a correct record.

885. 202695 Land to the West of the village and Adjoining Birch Road, Layer de La Haye.

The Committee considered an application for the Construction and operation of a photovoltaic (PV) farm and associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping. The application was referred to the Committee as it was a Major Application which had received objections and because it was a departure from the development plan.

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

James Ryan, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. A presentation was given of the site layout, photographs, the views that would be impacted by the design and the proposed visual mitigation measures that would be secured in the landscaping scheme. The Committee heard that Animal Friendly fencing would be incorporated into the design and that following the scheduling of an ancient monument to the north east of the site the proposals had been amended to take into account this asset and confirmed that there would not be any development on that area. The Case Officer concluded their presentation by outlining that the proposal would provide power for 16,000 homes and that the officer recommendation was for approval.

James Hartley-Bond of Layer Solar Farm Limited 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 evolved since its submission based upon the feedback received which now included no objections from the technical consultees and that there was also support from the Parish Councils. The Speaker confirmed that there would be an 85% net gain for biodiversity and that the clean electricity which would help fight the climate and energy crisis and would establish energy security which was a growing concern.

The Committee sought clarification on the colour of the inverter cabins that would be used on site, whether Deer fencing would harm other forms of wildlife, whether the Police's

recommendation of the incorporation of microphones on the security cameras was justified, and the timetable of landscape planting near the ancient monument.

In response to questions and concerns raised by the Committee, the Principal Planning Officer responded that the inverter cabins would be located centrally on the site so would be obscured by the panels and the proposed landscaping and that it could be ensured that the chosen colour could be discreet. Further to this the Principal Planning Officer outlined that the deer fencing was of stock design and was designed for small animals to pass through but not sheep which may graze on the site. It was additionally noted although the Police had suggested additional security measures there had been no request for taller security fencing as there was no anticipated amount of anti-social behaviour. The Principal Planning Officer explained that the advanced planting would be prioritised and that there was a 4 metre planted belt between the developed land and the ancient monument could be conditioned if the Committee were minded to approve the application.

A point was raised by the Committee welcoming the renewable energy from the PV panels and how it was essential to produce renewable energy. A further question was asked about the arrangements for footpaths and whether there could be any extension to the waterworks. The Committee repeated its concerns regarding the security of the site and asked whether microphones and speakers could be installed on the cameras and whether the security fencing would stop anti-social behaviour and crime.

In response to the questions the Principal Planning Officer outlined that the possibility of further footpaths to the waterworks was outside of the Committee's control as it was not within the application site and that if requested the security cameras with microphones and speakers could be conditioned. However the further security of the site was within the owner's remit and that it would be unreasonable to confer a condition of that nature on the application.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement was not signed within 6 months, authority be delegated to Assistant Director, Place and Client Services, to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the conditions and informatives as set out in the report and additional conditions concerning security and requiring microphones and speakers to give interactive CCTV coverage of site boundaries, and amendment to the Landscape Management Plan to require and condition that there be planting between the SAM and that it was prioritised.

886. 212506 Chesterwell Day Nursery, Cordelia Drive, Colchester

The Committee considered an application for a mixed use development comprising of a nursery at ground floor level and residential units on the first floor with associated parking and landscaping as part of Neighbourhood Centre NC2. The application was referred to the Committee as it was a major application, was subject to a legal agreement and had received one letter of objection.

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

RESOLVED (UNANIMOUSLY) that the application be approved subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not

signed within 6 months, authority be delegated to the Assistant Director, Place and Client Services, to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the conditions and informatives set out in the report : with authority delegated to the case officer to approve an amended Travel Plan and revise conditions in respect of the Travel Plan as appropriate.

887. 212272 Land at Queen Street, Colchester

Councillor Warnes (as a Director of Colchester Commercial Holdings Ltd) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the Demolition of the former bus depot buildings in preparation for the implementation of the planning permissions granted under applications 182120 and 202780. The Application was referred to the Planning Committee as the application had been submitted by Inkpen Downie Architects on behalf of the Colchester Borough Council.

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

Simon Cairns, Development Manager, presented the report and assisted the Committee in its deliberations. A presentation was given by the Development Manager which outlined proposed demolition of the former bus depot presenting pictures of the current state of the building from external and internal views. The Development Manager drew Members attention to the section of the former depot which was attached to the Town Wall and how this would be protected whilst the work was taking place. The presentation concluded with the previously approved applications elevations being shown and the officer recommendation of approval.

Dorian Kelly addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in objection of the application. The Committee heard that the objection was based upon technical reasons as the two applications on the land were unconnected and questioned the legal basis that public funds could be used for this application. The Speaker outlined that The Council was judging itself by a separate standard to that of other applicants and that the application should be deferred to seek more information. The speaker further questioned the reliability of the ecology and methodology statement as there had been no mention of stag beetles which were known to be on site or the need to ensure continued access to the flats and car parks to the north of the site and their access arrangements and concluded that the report included a contradiction regarding whether the ground slabs at the front of the site would be removed..

In response to the Objector the Chief Planning Officer clarified that the application related to the entirety of the bus depot for demolition and that the Council was not reliant upon CCHL's proposal to make the application but that it was regrettable that the description of development related to the separate application. The Development Manager further outlined that there had been no evidence of stag beetles on site, that no condition was needed with regards to right of way, and that everything within the site was to be removed under the proposal. The Officer concluded that the method statement had been reviewed and that the relevant archaeological considerations had been included and that consent for work on a Scheduled Ancient Monument had been granted.

A Statement from Councillor Dundas was read out by the Lead Democratic Services Officer. The Committee heard that the Councillor supported the application and that the appointment of a contractor and the final permission to begin demolition was the first stage of completion for the Grow-on Hub and which was a significant investment in the area which included £4.45m external funding and the digital connection of the proposal formed part of the Town Deal fund and that if work was not started soon then the funding could be in peril. The Committee heard that the building had played a part in Colchester's history which Councillor Dundas sympathised with but noted that the building was beyond repair and that application related to the bus garage only and not the wider area, town wall or other accesses. The statement concluded that the application was necessary because the demolition which was previously planned to be carried out by a different developer had been brought in house and was being carried out under contract by Colchester Borough Council and would not be dependent on third parties.

The Committee sought clarification on the location of the former street sign which had been included in the local list and the timeliness that the previously approved applications could be brought forward in. The Development Manager drew the Committee's attention to the revised wording of condition 7 on the Amendment Sheet which would ensure that a proper standard of appearance of the development was maintained in the interests of conserving the character and appearance of the conservation areas. In light of the Committee's concern regarding the timing of the development the Development Manager proposed amending the officer recommendation so that condition 7 was updated with additional wording as follows:

- The redevelopment of the site shall commence within 12 months following the demolition hereby permitted in accordance with an extant planning permission. Reason: To ensure that the character and appearance of the conservation area is preserved or enhanced.

The Committee's concern regarding heritage issues was also noted and the Development Manager proposed that an additional condition be added (Condition 9) as below and an additional informative be added regarding access to surrounding properties.

- The ceramic street signage on the Queen Street façade of the bus depot shall be removed and taken off site for safe storage. Details of the location of the store shall be submitted in writing to the local planning authority within one month. Reason: The historic signage is a non-designated heritage asset that is required to be reinstated on the frontage of the new development in accordance with planning permission ref: 202780. It is essential that the signage is carefully stored pending reinstatement as a feature that enriches the character of the area.

RESOLVED (UNANIMOUSLY) That the application be approved subject to the conditions and informatives in the report and the Amendments Sheet together with a revised condition 7 as follows:-

"The redevelopment of the site shall commence within 12 months following the demolition hereby permitted in accordance with an extant planning permission. Reason: To ensure that the character and appearance of the conservation area is preserved or enhanced.

and additional condition 9 as follows:-

The ceramic street signage on the Queen Street façade of the bus depot shall be carefully removed and taken off site for safe storage. Details of the location of the store shall be submitted in writing to the local planning authority within one month. Reason: The historic

signage is a non-designated heritage asset that is required to be reinstated on the frontage of the new development in accordance with planning permission Ref: 202780 It is essential that the signage is carefully stored pending reinstatement as a feature that enriches the character of the area.

an additional informative to remind contractors to maintain access to existing properties/businesses.

888. Crown House, Crown Street, Dedham, Colchester, CO7 6AG

The Committee considered an application for the construction of 1 detached dwelling with a detached garage, parking and access. The application was referred to the Planning Committee as the application was a departure from policy as the site proposed for the dwelling to be outside the settlement boundary as outlined in the adopted Local Plan.

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

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions and informatives as set out in the report

889. Former, Colchester Rugby Football Club, Mill Road, Colchester, CO4 5JF

Councillor Gerard Oxford declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of the existing Rugby clubhouse and the erection of a new two-storey community centre with associated parking and landscaping. The application was referred to the Planning Committee as the applicant was Colchester Amphora Ltd and was submitted on behalf of Colchester Borough Council.

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

Chris Harden, Planning Officer, presented the report and assisted the Committee in its deliberations. A presentation was given by the Planning Officer who outlined the proposed demolition on the site and the re-orientation of the new proposal before Members. It was noted that the new building would be a substantial visual improvement in the area that would not cause a loss of light to neighbouring dwellings. The Planning Officer concluded the presentation with photographs of the site and highlighted that the site plan would be amended to ensure the safety of the root protection area for trees in the turning area of the site, and that condition 6 would need to be amended to ensure the inclusion of method statements for both demolition and construction.

The Case Officer responded to a question from the Committee that the proposal did include solar panels and proceeded to indicate their position on the roof of the building.

A statement from Councillor Dundas had been received was read out by the Lead Democratic Services Officer. The Committee heard that Councillor Dundas supported the application as this was a significant investment in the area which had seen significant growth

in the population and this proposal provided fit for purpose facilities for the community and residents. Furthermore, the Committee heard that the proposal complied with the Local Neighbourhood Plan and emerging Local Plan.

In discussion the Committee heard of the work that had been undertaken by Chris Smith who had worked with the Charity Trustees and on the consultations for the proposal. and that a lease arrangement was declined, however the proposed management arrangement included representatives from the Highwoods Ward. It was suggested that a memorial garden should be provided for the victims of conflict and the Covid pandemic, and whether bollards could be installed to stop illegal encampments on the site.

The Planning Officer responded to the points raised and a further question from the Committee on electric vehicle charging points on site. If bollards were added to the site this could cause safety concerns if there was an emergency and that if members were minded that a memorial garden should be included then the details could be conditioned provided that this did not delay the development of the site.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions and informatives as set out in the report with a revised condition 6 requiring two method statements, one for demolition and one for construction and an additional condition for the provision a of a memorial garden celebrating victims of conflict and the Covid pandemic, with details to be agreed by the Local Planning Authority.