

Planning Committee

Thursday, 25 April 2019

Attendees: Councillor Lyn Barton, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Chris Pearson

Substitutes: Councillor Nigel Chapman (for Councillor Vic Flores), Councillor Dennis Willetts (for Councillor Pauline Hazell), Councillor Gerard Oxford (for Councillor Philip Oxford)

Also Present:

Chairman

In the absence of Councillor Hazell, Councillor Jarvis took the Chair and Councillor Maclean acted as Deputy Chairman for the meeting.

685 Site Visits

Councillors Barton, Hazell Jarvis, Liddy, Loveland, Maclean and Willetts attended the site visits.

686 Planning Committee Minutes of 28 February 2019

The minutes of the meeting held on 28 February 2019 were confirmed as a correct record.

687 Planning Committee Minutes of 14 March 2019

The minutes of the meeting held on 14 March 2019 were confirmed as a correct record.

688 180045 Cowdray Centre, Mason Road, Colchester

The Committee considered a planning application to demolish all existing buildings and redevelop the site, creating 262 one, two and three bedroom houses and apartments plus associated roads, car parking, landscaping and public open space at Cowdray Centre, Mason Road, Colchester. The application had been referred to the Committee because it constituted a major development, a legal agreement was required and objections had been received. The Committee had before it a report and an amendment sheet in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the

proposals for the site.

Lucy Mondon, Principal Planning Officer, presented the report and, together with Martin Mason, Essex County Council Strategic Development Engineer and Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Betty Constable addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained that she lived in Margaret Road and was concerned about traffic in the area. She had objected to the application in its original form and her objections still stood. She referred to traffic using the residential roads of Albert Street and Catchpool Road in order to avoid Cowdray Avenue and doing so at excessive speed. She considered the traffic levels were unacceptable, was concerned about vehicle parking on pavements and anticipated that more cars would be generated from the proposed housing development, as such she considered it essential for an additional access road to the development to be included. She was also not supportive of the three storey elements proposed and was of the view that infrastructure needed to be provided prior to the development of the houses.

David Moseley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site was in a sustainable location, in the Northern Station Regeneration Area and that most of the site had been vacant for more than 10 years. The proposal was to deliver housing on previously developed land, stimulate regeneration and to improve accessibility for existing and future residents. The proposals had been shaped by discussions with local residents, access groups and the council's officers would bring significant improvements in connectivity to the town centre and North Station. The scheme included new public open spaces, footpaths and cycle routes connecting to existing routes along Cowdray Avenue. Beyond the site it was proposed to create a more attractive walking and cycle link to Colchester North Station and to realign the right of way to the south of the subway to provide clearer visibility and to enhance the subway. North of the railway line a footway and cycleway link would be provided along the southern boundary of Highwoods Country Park in addition to a significant financial contribution towards a community facility within the Country Park. He also referred to the upgrading of two local bus stops and the promotion of sustainable travel behaviour. The parking provision would be sufficient for the size and type of housing proposed and confirmed that the proposal would generate a similar level of vehicle use at peak hours and in total as the extant use of the site. Technical assessments had confirmed that the road network was capable of accommodating the level of vehicle use anticipated and this had been endorsed by the Highway Authority. The proposal included £1.2 million education contributions and healthcare enhancements. He confirmed that the proposal accorded with planning policies, would create a new network of parkland, new cycleway connections and the delivery of new homes including affordable housing. The development would be of high quality in a highly sustainable location and the applicant was committed to its early

delivery.

Councillor Barlow attended and, with the consent of the Chairman, addressed the Committee. He explained that he did not object to the development but wished to draw attention to issues for the Committee to consider in more detail. He referred to the proposal to upgrade the pathway which linked with the public right of way known as Brick Kiln Lane to North Station and asked for clarification regarding the inclusion of this within the proposal and what conditions would ensure its provision. He also sought assurances regarding improvements to public transport. He referred to objections regarding traffic generation and the fact that the proposed use would actually lead to fewer additional traffic movements compared to the potential traffic levels should the site revert to its existing planning use. He also referred to the affordable housing element proposed and sought assurances that it would actually be delivered as part of the proposals.

Councillor Laws attended and, with the consent of the Chairman, addressed the Committee. He agreed with the comments made by Councillor Barlow. He referred to the proposed density of the development and voiced his preference for the units to have been higher than three-storey given the specific location. He referred to the east / west cycle route and the potential to link to the railway station to the west, whilst also advocating the acquisition of land behind Colne View Retail Park to the east to extend the cycle link to Highwoods Country Park. He was aware that this east / west cycle route had been an aspiration since 2011 and would be a significant benefit to local residents.

The Principal Planning Officer confirmed that the proposal included the widening and upgrading of the footpath leading to the train station and that this was a requirement of proposed Condition 21. In addition, she confirmed that the proposed Section 106 Agreement included a contribution for the Council to pursue a direct link from the underpass through land in the ownership of Network Rail to realign a blind corner. She also confirmed that Condition 29 provided for the requirement for bus stops, whilst the Section 106 Agreement would also secure 20% affordable housing, together with a schedule setting out where these elements would be located.

The Strategic Development Engineer referred to the previous use of the site and the potential for significantly greater levels of traffic generation if the site was returned to this use. He also referred to the evidence which illustrated that housing located in accessible locations generated very little traffic, as demonstrated by an existing housing development along Cowdray Avenue which had recorded very low trip rates. He considered the proposed application to be in a favourable location to minimise traffic.

Members of the Committee generally welcomed the principle of the development on the site, the potential for the appearance of the site to be improved and the improvements to cycle and footpath links from the site to the railway station. However, clarification was sought on the viability of the proposal and whether there was potential for the developer

to seek a review of viability once development commenced. In addition, clarification was sought in relation to the location of the bus stop improvements, the measures to secure the bus stop provision, the future provision of a bus service to the site, the percentage of affordable housing to be delivered within the proposal, the preservation arrangements which would be put in place should a significant archaeological artefact be found, the provisions proposed for safe spaces for children to play and whether the trigger points for the provision of the new public open spaces were sufficiently robust. Concern was also expressed in relation to the access arrangements to the site and whether the single access route proposed would be sufficient at peak times or in cases of emergency.

A member of the Committee supported the comments made on the application by Myland Community Council and expressed the view that there was potential for a proposed road link to Highwoods Country Park to be used to justify future encroachment of the Country Park with unwanted development and sought the removal of the proposed link from the proposal on this basis.

Another member of the Committee was of the view that, given the location of the site, the opportunity should have been taken for a more progressive approach and for the density of the development to be greater by means of increased height of units, as had been the case with recent developments near the railway station in Chelmsford. Concern was also expressed in relation to the suggestion to remove the proposed vehicular link to Highwoods Country Park as this would then make the proposals non-compliant with the Council's Local Plan but sought assurances that the reference to the link on the application drawings needed to be further to the extreme west of the site at Petrolea Close.

The Principal Planning Officer explained that the reference to a link in the application drawings was in order to comply with the provision for a vehicular link to Turner Rise as set out in the Site Allocation Policy. As such, she considered the Section 106 Agreement would also specify that the link would be to Turner Rise, not Highwoods Country Park. She explained that the Council's independent consultant had confirmed the viability of the scheme and, whilst there was no guarantee that the developer would not question the viability at some point in the future, she referred to the Amendment Sheet which set out the developer's anticipated prompt delivery rates such that she was doubtful that there would be any significant downturn in the market in that timeframe. She explained that the work to upgrade two bus stops would be subject to a condition attached to the planning permission and, as such, an application would need to be submitted to vary that condition if the element was to be omitted. She confirmed that work to widen and the route to the railway station and to improve the route and the public rights of way would also be secured by proposed conditions. She confirmed that 20% affordable housing would be delivered, in accordance with the Council's policy, and she explained that the affordable housing delivery would commence once a trigger point of 70% of the development had been completed. In terms of archaeology and heritage, she confirmed that the Council's Archaeological Adviser had requested that a condition be included

which would require preservation of archaeological finds 'in situ' as well as a financial contribution of £15,000 to cover the cost of display and updating of records should any artefacts be found. She confirmed that the play area would be secured as part of the Section 106 Agreement and would be separate to an additional 'pocket park' primarily for the occupiers of the flats.

The Strategic Development Engineer referred to the potential future link under the railway line which had been a policy aspiration for many years and the intention to seek the safeguarding of land for its future provision. He explained that initial design work for the route to meet up with Petrolea Close had concluded that, for technical engineering reasons, the link to the northern side of the railway line would need to be located at the point illustrated on the plan. He also confirmed there were two points of access to the site and he considered these to be more than adequate in terms of capacity with adequate visibility also being provided. He confirmed it was hoped that the upgrading of the footpath known as Brick Kiln Road was to include use by cyclists. He also confirmed that there were no plans to include access for emergency vehicles along the footpath.

Further clarification was sought in relation to the upgrading of the bus stops and where these would be located, the potential for an amendment to the Section 106 Agreement to provide for a subsidised bus service to the site, the status of the Myland Neighbourhood Plan in relation to the Council's Local Plan, whether there was any more illustrative detail of the design of the dwellings being proposed and the possibility of including a note for the extension of the east / west link in the event that a planning application comes forward for the neighbouring plots of land to the east of the proposal site. Concern was also expressed in relation to the adequacy of the education provision proposed and the current under-provision of school places in certain parts of the Borough leading to unnecessary journeys for children to take up their school places.

The Development Manager referred to concerns regarding the link to the northern side of the railway line to Turner Rise and its potential impact on Highwoods Country Park and suggested that a revised plan be prepared deleting the reference to Highwoods Country Park and, instead, showing the link to Petrolea Close, as intended. He also confirmed that, should the Committee consider the provision of an east / west link to provide wider connectivity be strategic desirable, it would be possible for a note to be made of the Committee's view as an agreed strategic objective. He also reminded the Committee of its obligation to seek mitigation only in respect of the site itself and, as such, given the highly sustainable location of the site, he did not consider it would be reasonable to seek a commuted sum in lieu of the improvements to the bus stops. He also confirmed that the two bus stops were located on each side of Cowdray Avenue, in relatively close proximity to the proposal site.

The Principal Planning Officer explained that considerable negotiation work had been undertaken between the developer and the Council's Urban Designer in order to achieve an appropriate design with continuity of frontage, avoidance of monotony, improvements

to roofline interest, with steeper pitches and chimneys and conditions requiring detailed architectural features. She confirmed that Essex County Council had calculated how many school places the proposed development would generate and had concluded that for early years and child care there was an over capacity so no contribution was required for this tier, whilst, for primary education, North Primary was at capacity and, as such, Essex County Council had identified additional reception places would be needed at the new school at the Chesterwell development so a contribution would be required. In addition, for secondary education, a contribution was being sought for additional places at a new school at Paxman's Avenue and at the new school at the Chesterwell development.

The Development Manager explained that the financial contribution for education had been calculated to mitigate the development and it was for Essex County Council to spend the sum in the most efficient way to deliver the necessary spaces in the closest geographic locations to the development.

RESOLVED (NINE voted FOR and ONE voted AGAINST) that –

(i) The Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet; subject to pre-commencement conditions under the Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and subject to the revision of the plan to delete the reference to Highwoods Country Park and, instead, to show the link through to Petrolea Close and, in addition, authorised to make changes to the wording of those conditions, as necessary, and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide for the following:

- Affordable Housing: 20% (tenure mix being at least 80% affordable rent and no more than 20% intermediate). As part of the affordable housing, 2 No. one-bed flats would be delivered as part M4 Category 3(2)(a) to include a wet room and 2 No. one-bed flats would be delivered as part M4 Category 3 (2)(b) fully adapted wheelchair units. The remaining affordable units, excluding upper floor apartments, would meet part M4 Category 2. Not more than 70% of the market dwellings shall be occupied unless the Affordable Housing Dwellings have been constructed, are available for occupation and have been transferred to an Approved Body;
- Archaeology: £15,125 (+VAT) for the display, promotion and management of archaeological discoveries on the site. If no archaeological remains are affected by the development (to be determined as part of an agreed programme or archaeological investigation secured by condition) £290 (+VAT) would be required to integrate the information from the archaeological investigation with the Colchester Historic Environment Record (HER);
- Community Facilities: £359,000 required towards the provision of a multi-use community facility adjacent to the visitor's centre at Highwoods Country Park;
- Education: Contribution towards Primary and Secondary education provision in

accordance with the Essex County Council formula (£12,734 per Primary place and £19,345 per Secondary place subject to indexation) £1,218,738.00;

- NHS: £96,048 towards providing additional capacity at East Hill Surgery to mitigate the development;
- Open Space, Sport, and Recreation: £240,000 to be spent on a new shared cycle/pedestrian path in High Woods Country Park. Additional £91,445.94 required if the open space provided by the development is adopted by Colchester Borough Council; and
- Transport and Sustainability: £65,000 to provide a north/south cycle and pedestrian link between the development site and the existing underpass (providing clear sight lines through the underpass) as indicated in purple hatching on drawing PH222-PL-11 Rev E.
- The provision of a LEAP play area.
- Land to be safeguarded for a potential future vehicular link under the railway to Turner Rise.
- The provision of an on-site open space and amenity areas (including play area).

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, Assistant Director Policy and Corporate be authorised, at their discretion, to refuse the application or otherwise be authorised to complete the agreement.

689 190217 Homelea, Birch Street, Birch, Colchester

This item was withdrawn from consideration at this meeting.

690 183001 3 Frensham Close, Stanway, Colchester

The Committee considered a planning application for a proposed single storey front addition to the existing garage at 3 Frensham Close, Stanway, Colchester. The application had been referred to the Committee because it had been called in by Councillor Dundas. The Committee had before it a report in which all information was set out.

Daniel Cooper, Planning Officer, presented the report and assisted the Committee in its deliberations.

John Williamson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He wished to appeal against the proposals which he considered to be incompatible with the open plan concept of the road and the estate. He referred to a loss of sunlight to the side lounge window to his property as well as overshadowing and loss of outlook. He explained that the layout of properties in the Close was staggered to allow a view of the roadway and

he considered this would be lost due to the construction of a new building line. He considered that the proposed extension was beyond the front of the neighbouring properties and would contradict the open plan concept and the extension would prevent sunlight entering the lounge. He considered he had a right to light and his view would be lost. He intended to invoke the terms of the agreed covenants for the estate and he asked the Committee's support to reject the application.

Councillor Dundas attended and, with the consent of the Chairman, addressed the Committee. He regretted that the two residents were at variance over the application. He referred to the submission of the application over six months ago and considered it may not be as straight forward as it may seem. He explained that the application proposed the extension of the property in two directions, side wards as well as forwards. He was also not sure that the intent was for parking. He referred to the proposed garage not meeting the required parking standards and disputed the officer's conclusion that the proposal did not extend beyond neighbouring properties on the basis of the original staggered concept for the development. He also considered that the current line was also not being maintained on the north aspect. He also referred to the proposal extending to approximately one metre of the neighbouring property. He disputed the conclusion in the report in relation to the 45-degree angle compliance in elevation form but not plan form, considering this was marginal. He was of the view that the loss of sunlight to the neighbour's secondary lounge window was clear. He referred to other options that the applicant could consider, suggesting the garage could just be extended forwards, or it could be extended just side wards, with the loss of a window to the applicant's property. He considered there were design and amenity issues for the Committee members to consider, whilst other options had less impact on the neighbour. He did not agree with the conclusion in the report that the impact on amenity was not significant and he felt this was the reason why the application had been delayed in order to negotiate a better solution.

The Planning Officer explained that he had described the side window as secondary because it was not the main intake of light to the room and, as such, less weight was given to the light and amenity associated with it. He explained that it was considered that sufficient light was available already and, although there would be an impact as a result of the proposal, it was not of a level to support a refusal of the application. He referred to concerns regarding covenants, confirming that these were not matters which the Committee could take into consideration in planning terms. He explained that the existing garage did not currently conform to the size requirements and, as such, was not considered to be a parking space. In addition, the extension would not provide a policy compliant parking space but that an off-road parking space was being provided by means of paving to the front of the property. There would, therefore, be no net loss of parking on the site. He referred to comments regarding the view of the road due to the orientation of the dwellings. However, the view of a road was not a matter which the Committee could take into consideration in planning terms and to which he was unable to give significant weight. He confirmed that the proposal complied with the 45-degree

angle test in elevation form although not on plan form, but it was only necessary for one element to be compliant not both.

Member of the Committee sought clarification regarding the property's permitted development rights and whether the proposal would fall within these parameters and also in relation to the proximity of the proposed garage wall to the neighbour's property and the arrangements which would need to be made in relation to access for property maintenance.

The Planning Officer explained that the proposal included development forward of the principle elevation and, as such did not fall within the permitted development rights. He also explained that the works may fall within those requiring a Party Wall Agreement but this was not a matter which the Committee could take into consideration in planning terms. In addition, he confirmed that he was not aware of the current use of the garage space and, whilst its proposed dimensions were very close to the measurements required for a parking space, it could not be considered a parking space in policy terms.

RESOLVED (NINE voted FOR and ONE voted AGAINST) that, the planning application be approved subject to the conditions set out in the report.

691 183117 18 Gladstone Road, Colchester

The Committee considered a planning application for a single storey detached garage at the rear of the garden at 18 Gladstone Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Cope. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

RESOLVED (UNANIMOUSLY) that, the planning application be approved subject to the conditions set out in the report.

692 190551 Town Hall, High Street, Colchester

Councillor Chapman (by reason of his directorship of Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Liddy (by reason of his directorship of Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a Listed Building application to face bed a new ashlar in

Portland White bed stone to re-establish the inscription to the foundation stone at the Town Hall, High Street, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Homes on behalf of Colchester Borough Council. The Committee had before it a report and amendment sheet in which all information was set out.

RESOLVED (UNANIMOUSLY) that, the planning application be approved subject to the conditions set out in the report and the amendment sheet.