

# Planning Committee

Thursday, 30 July 2020

**Attendees:** Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford  
**Apologies:** Councillor Martyn Warnes  
**Substitutes:** Councillor Chris Pearson (for Councillor Martyn Warnes)

## 804 192828 & 192829 Colchester University Foundation NHS Trust, Essex County Hospital, Lexden Road, Colchester

**Councillor Chuah (as Colchester Borough Council's stakeholder governor on Colchester Hospital University Foundation Trust) 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 redevelopment of the former Essex County Hospital to provide 120 homes comprising the residential conversion of Main Hospital Building, Nurses Home, Kitchen Store, G.U. Medicine Building and North East Block to provide 70 apartments and houses, and demolition of additional outbuildings and replacement with 50 new apartments and houses and associated enabling works including public open space, landscaping, parking and access. New electricity substation and relocation of existing gas governor.

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

The Committee members had been provided with video clips of the site taken by the planning officer to assist in their assessment of the impact of the proposals upon the locality and the suitability of the proposals for the site.

Mr Avison addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He reminded Committee members that the Essex County Hospital site was an important site, on an attractive route into the town and within a conservation area. The comments made about the impact of the outpatients and radiotherapy buildings on the setting of the principal listed building applied equally to the proposed new blocks facing on to Lexden Road. They were featureless and of no architectural merit. The proposals did not meet policies UR2 or ENV1 and would not conserve and enhance the historic environment. Consideration also had to be given to the impact on all residents and visitors who would see this development as they entered the town centre area. The majority of objections cited the impact on Lexden Road, on the conservation area and the poor quality of the design.

Laura Dudley Smith of Strutt and Parker, agent for the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application was brought forward by Essex Housing who were the residential development arm of Essex County Council. Funds from the development would be reinvested into a local NHS Trust. There had been public engagement and discussions with Colchester Borough Council, Historic England, Essex Highways and Essex Police, who all supported the scheme. The proposal would provide high quality housing in a sustainable location, retaining the principal listed building and other important features, whilst replacing more contemporary buildings with new homes, whose design would complement the site. The reinstatement of the lawn to the front of the main building would reference the original design and restore the site's contribution to Lexden Road and the conservation area. The section 106 agreement would yield 4 affordable homes, contributions for cycleways, doctors' surgeries and other facilities. The site's central location provided the opportunity for the provision of sustainable measures such as a car club, electric vehicle charging points and cycle parking.

Councillor Cope attended and with the consent of the Chairman addressed the Committee in support of Mr Avison's views. He expressed concern about over development and pointed out that the proposals had changed after public engagement had been held and he queried the validity of the conclusions of the traffic statement. He stated that the design of the development had attracted many comments and suggested that an independent architectural view on the design would be useful.

James Ryan Principal Planning Officer presented the report and, together with Simon Cairns, Development Manager assisted the Committee in its deliberations. He explained that the design of the development was high quality, combining new properties with works to extant buildings. The design approach for the new buildings was "New London vernacular" which would create an area with buildings that would stand the test of time. They were of significantly better design quality than the buildings they would replace. The proposals would improve the setting of the principal listed building. Historic England were now content with the proposals.

There was significant provision of amenity space, both private and shared spaces, and there would be considerable tree planting on the site. An independent viability appraisal had been undertaken, which showed that viability of the scheme was marginal. There were significant public benefits to the scheme as the development would secure heritage assets for years to come. Four affordable housing units would be provided.

Members of the Committee were pleased that Historic England had been actively involved and that the main listed building and nurses' home were being retained. The Committee noted some of the concerns raised about the design of some of the new build, but considered that this was to an extent a subjective matter, and did not consider the design caused significant harm to the setting of the listed building or to the character of the conservation area. The Committee were reassured by the maintenance of a varied roof line and noted that view of the site from Lexden Road would be maintained so there would not be a negative impact on the street scene. The Committee were also pleased to note

the provision of green space and areas for children to play. It was highlighted that there would be a contribution towards the upkeep of Castle Park, although some members queried whether this could be used to increase amenity on site or on sites nearer the development such as Hilly Fields.

Members requested that a condition be attached requiring that an interpretation board highlighting the history of the site be erected by the developer.

Members were concerned at the small number of affordable homes provided but understood that the cost of the renovation and conversion of listed buildings meant the viability of the scheme was marginal. Whilst this was a lower level of affordable housing than would normally be agreed, the Committee was of the view that there were other benefits from the scheme, particularly the retention of the historic assets. A number of other queries were raised about the scheme, relating to access, the potentially contaminated nature of the site, the usability of the roof terraces and the provision of electric car charging points. The Principal Planning Officer explained that most of these issues were addressed by conditions attached to the permission. The roof terraces were usable spaces and could be converted into gardens. The Council would seek the installation of as many electric charging points as was practical.

*RESOLVED (Unanimously) that –*

Planning permission and listed building consent 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 as set out in the report with the addition of a condition for the provision of an interpretation board on site, the precise wording of which may also be amended under delegated authority with respect to both the full application and the application for Listed Building Consent.

## **805      200960 Land at Brierley Paddocks, West Mersea**

The Committee considered an application for approval of reserved matters following outline approval (192136) for the erection of 101 dwellings and commercial D1/B1 uses with associated parking, public open space, landscaping, sustainable urban drainage system. The application had been referred to the Committee because it has been called in by Councillor Jowers.

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

The Committee members had been provided with video clips of the site taken by the planning officer to assist in their assessment of the impact of the proposals upon the locality and the suitability of the proposals for the site.

Councillor Chris Wood, West Mersea Town Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application saying that the Town Council did not consider the changes that had been made addressed the concerns that had been expressed and that there had been no consultation on those changes with residents. The development was inappropriate in its proximity to existing stock, overbearing, out of scale and character with high density and layout, and not in accordance with policy DP1. There were concerns over the impact on privacy, overlooking, noise, crime and security issues and access for maintenance. Confirmation was sought that the landscaping and scheme had the approval of the Police. West Mersea Town Council and residents strongly objected to the proximity of the development to Farthing Close and was of the view that a wider buffer needed to be provided. The design was not in keeping with the houses on Seaview Road, and the site was overdeveloped with some houses being only 5 metres from Seaview with windows facing the gardens. The developer's commitment to the seed bed centre needed to be clarified. Any affordable homes should be allocated to West Mersea residents.

Robert Stafford addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application and spoke of the concerns around the use of Brierley Paddocks as the access road to the development. It was a private road owned and maintained by residents of Brierley Paddocks. The plans showed the access road going through the duck pond and implement shed, which was unacceptable. The levels of traffic would generate traffic noise, air pollution and safety problems for residents of Brierley Paddocks and East Road. Using Brierly Paddocks as the main point of access was flawed, unacceptable and dangerous, not only to residents of Brierley Paddocks but also to the occupants of the main development.

A written submission provided by Stephan James was read to the Committee pursuant to the provisions of Remote Meetings Procedure Rule 5(1) in opposition to the application. The application took away enjoyment of property from Seaview Avenue residents, which could lead to legal action for a breach of the Human Rights Act. Local councillors should have met with local residents to discuss their concerns. The amendments had not materially changed the layout and the plan did not comply with policy DP1. The revised layout did not address key objections made by residents. Details of the proposed tree belt were not clear, and a green swathe would be more appropriate. There were also concerns the impact of construction traffic accessing the site from Seaview Avenue. A formal complaint had been made asking for the report to be withdrawn on the grounds it was inaccurate and misleading. Councillors had a duty to vote and should not abstain. There were unresolved objections and no balance between the development and needs of the community. The application should be rejected.

Richard Winsborough, City and Country, agent for the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He drew attention to the officer recommendation. The application proposed a compliant, high quality and appropriate layout for the site. The layout incorporated an abundance of open space in excess of the policy requirement and the houses were well designed reflecting the Essex

vernacular. The provision of 30% social housing would help address local need. The proposals had been subject to rigorous consultation and they had listened to residents' concerns and responded where appropriate with changes to the layout. Whilst not all local concerns had been met, discussions would continue.

Councillor Moore attended and with the consent of the Chairman addressed the Committee and raised the issue of planting and whether there was sufficient screening and fencing to protect existing properties. She also had concerns about the security of residents and the distance between the proposed properties and Farthings Close. Allocation of affordable housing should allow for at least 10 of the homes to be reserved for local families. The effect of construction traffic on Seaview Avenue and access was raised along with the issue of access for emergency vehicles.

Councillor Jowers attended and with the consent of the Chairman addressed the Committee. He had called this in in view of the number of objections and there had not been enough consultation. Affordable housing was grouped together on the edge of the development and should be pepper-potted through the development. Farthing Close should be made secure with a close boarded fence, Seaview Avenue residents would lose amenity with headlights from passing vehicles shining into their gardens, which needed to be addressed through screening. Access for traffic was an issue and it was suggested that this could be reduced with one way and one way out. The Mersea community should see some benefit from the application and there should be allocation of social housing for Mersea residents. There had not been enough debate and community involvement with the application, and a meeting with the developer would be beneficial.

James Ryan, Principal Planning Officer, presented the report and, together with Simon Cairns, Development Manager and Karen Syrett, Lead Officer: Planning, Housing and Economic Growth, assisted the Committee in its deliberations. He explained that the principle of development and access had been approved as part of the outline permission. The design of the housing reflected the local vernacular and was in accord with the Essex Design Guide. The street scene was attractive and pedestrian friendly. The design layout showed an appropriate distance from existing properties and the proximity was in excess of policy requirements. The site was not overdeveloped. The allocation of the affordable housing had been agreed with the Council's social housing team. The applicant had the right to install the proposed access and had made a commitment to replace that part of the pond that was removed.

Committee members were concerned about the issues raised regarding the site boundaries and security. It was suggested that a two-metre close boarded fence that ran along the western boundary of the site would provide the necessary security for residents of Seaview Avenue and Farthings Chase. The Principal Planning Officer confirmed that this could be secured through the discharge of the condition on fencing and boundary treatments. Concern was also expressed about the potential for the developer to bring forward a further application to develop the rural edge of the site. The Principal Planning Officer confirmed that this was addressed through the legal agreement, and that in any case officers would be unlikely to support such

a development.

Members of the Committee considered that the development was attractive, spacious and welcomed the 5-metre landscaping belt. There was concern about access to the site, particularly in respect of construction vehicles and the proposal that the access road would not be adopted. It was pointed out that there was no obligation on the developer to provide an adopted road so the private road would be the responsibility of the management committee for the site. It would be built to an adoptable standard and comply with Essex Design Guide standards on turning heads and emergency access. The suggestion for an in/out access was not possible and officers had resisted an access point off Seaview Avenue because of the impact on amenity from additional traffic.

The affordable housing provision was welcomed, but members queried whether it would be possible for Mersea residents to be given priority for a proportion of the housing. The Lead Officer Planning Housing and Economic Growth explained that it may be possible to introduce a local lettings policy which would allow a third of the affordable units to be reserved for local residents and an informative to this effect could be added to the permission.

In response to members queries it was confirmed that electrical vehicle charging points had been secured as part of the outline application. In response to concerns raised about consultation, it was highlighted that the application had been subject to normal consultation on receipt of the application. Whilst consultation had been difficult in the Covid 19 pandemic, the applicant had met with representatives of Brierley Paddocks and Seaview Avenue to discuss their concerns, which had resulted in amendments to the plans.

*RESOLVED (Unanimously)* that the application be approved subject to conditions and informatives as set out in the report (with authority delegated to officers for the precise wording with the addition of a revised a landscaping condition requiring provision of a close boarded fence 2.0 m in height along western side boundary plus informative explaining this requirement around security for neighbouring properties and an informative lending support to local lettings policy for one third of Affordable Housing units (10 No.) favoured pursuant to the clause in the associated section 106 on the outline Planning Permission be added.

## 806

### **Applications Determined in Accordance with the Officer Scheme of Delegation**

The Committee considered a report by the Assistant Director, Place and Client Services giving details of the applications which have been determined since the last meeting in accordance with the revised scheme of delegation agreed at the Committee's meeting on 18 June 2020.

The Committee had before it a report and detailed amendment sheet in which all information about the applications were set out.

*RESOLVED* that the applications listed in the Assistant Director's report and Amendment Sheet which had been determined under the revised scheme of

delegation.