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## Meeting Summary

Committee: Planning Committee  
Date/Time: 9 Jun 2022 - 18:00 to 20:00  
Status: Occurred  
Venue: Council Chamber

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## Documents

 [Agenda Contents \(/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=77N3sOg1DRTJ0mQcrl\)](http://colchester.gov.uk/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=77N3sOg1DRTJ0mQcrl)

**Colchester**  
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 [Agenda Document Pack - Planning Committee - 09/06/2022](http://colchester.gov.uk/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=eB3cAXysJM4qiuYY82gkppq3fxKxpPMAC79z9DXqggY0mSGpvp1EQg%3d%3d&rUzWRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d)  
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 [Minutes of meeting](http://colchester.gov.uk/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=cF3fCdYugUSfKtPaX55LsR119qFpDymmvbwUROBRd5E00ib%2buHDzQQ%3d%3d&rUzWRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d)  
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## Agenda

### Part A

#### 1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of

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the meeting. Councillors who are members of the  
Colchester will introduce themselves.  
(<https://colchester.gov.uk/>)

## Borough Council

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

### 3 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

### 4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

### 5 Minutes of Previous Meeting

No minutes of previous meetings are submitted for approval to this meeting.

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### 6 Have Your Say

At meetings of the Planning Committee, members of the public may make representations to the Committee members. These Have Your Say! arrangements will allow for one person to make representations in opposition and one person to make representations in support of each planning application. Each representation may be no longer than three minutes.

Members of the public wishing to address the Committee either in person or remotely need to register their wish to address the meeting by e-mailing [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk) by 12.00 noon on the working day before the meeting date.

These speaking arrangements do not apply to councillors who are not members of the Committee who may make representations of no longer than five minutes each

### 7 Planning Applications

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

#### 7.1 [210965 Land at Broadfields, Wivenhoe](#)

(<http://colchester.cmis.uk.com/colchester/Decisions/tabid/>

residential development, access, landscaping, public open space and associated

infrastructure works.

 [210965 Land at Broadfields, Wivenhoe](#)

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The Committee considered an application for the construction of residential development, access, landscaping, public open space, and associated infrastructure works. The application was referred to the Planning Committee as it was called in by Councillor Mark Cory for the following reason:

The application contravenes numerous Wivenhoe Neighbourhood Plan policies.

And

Matters relating to the Wivenhoe Neighbourhood Plan site location boundaries, as well as associated issues with traffic and transport impacts; the access road; Elmstead Road impacts including Broad Lane junction; cycle path position; adjacent land ownership must be confirmed as public (Councils) or Fields in Trust;

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

James Ryan, Area Planning Manager, presented the report and assisted the Committee in its deliberations. A presentation was given outlining the location of the site and the details of the position of the proposed 120 dwellings. The Committee heard how the proposed dwellings were situated at the end of Richard Avenue and north of the power lines on site. The Planning Manager detailed the location of the proposed sports pitches and that these would not be under power lines and that the applicant had submitted plans for dwellings north of the power lines to ensure that the dwellings were of good design meeting space standards and not creating an urban environment. It was noted by the Planning Manager and the Applicant that this did not conform to the Neighbourhood Plan but that there was not any identified material harm identified by Officers created by the proposed 35 dwellings located to the north of power lines. The Planning Manager concluded that the proposal was weighed in favour of approval in officer's opinion and that the officer's recommendation for approval was set out in the Committee report.

Kevin Read addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in objection to the application. The Committee heard how the speaker was the Chair of Wivenhoe Planning Committee and that the neighbourhood plan agreed that the site required 120 dwellings but it was acknowledged that there were land ownership issues with regard to the southern area of the allocation. The speaker outlined that the proposal did not contain any 1 bed dwellings which contravened the Neighbourhood Plan and that the applicant should go back to the drawing board with regards to the designs

of the dwellings as they were not in keeping with the local area. Members heard that there was no access to cycle paths or walkways that were detailed in the

Neighbourhood Plan and that if approved the resolution should include further conditions regarding construction traffic and movements. The speaker concluded by summarising that the Neighbourhood Plan was supported by over 3000 votes from local residents and asked that the application be refused.

Samuel Caslin (Applicant) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that the site had been purchased in 2020 and the application before Members was the culmination of 2 years of collaborative working and outlined that the Neighbourhood plan was not subject to technical analysis. The Applicant explained that the proposal had been recalibrated from what was included in the Neighbourhood Plan as it was the only way to not create an overdeveloped area. The Applicant elaborated that if the dwellings had been concentrated in the allocation area then the application would not have accorded to the design principles in the Neighbourhood Plan. The speaker concluded by outlining that they had sought legal advice regarding the distribution of dwellings, that the proposal would be providing the sports pitches in the local plan as well as safeguarding the wildlife site to the east of the site, and asked that the application be approved as detailed in the officer recommendation.

With the permission of the Chair, Councillor Andrea Luxford-Vaughan addressed the Committee. The Committee heard that the detailed red plan had not been shared with the Town Council and that the proposal before Members would be building outside the designated boundary in the Neighbourhood Plan and the applicant knew the requirements of the site including the constraints when they bought the land which included the attenuation basin which could be put underground. It was further elaborated that the

land to the south of the site was going to be built on by a separate developer. The visiting Councillor concluded that the proposed development did not provide the necessary connectivity across the site and made the design unsustainable.

With the permission of the Chair, Councillor Michelle Burrowes addressed the Committee. The Committee heard that the proposal before the Committee was not compliant with the Adopted Neighbourhood Plan with 25% of the proposed dwellings being beyond the defined limit. She elaborated that the proposed tenures did not reflect the evidence base for the local need and that the upkeep of the open green spaces would be paid for by future residents. Related to this was the lack of green and blue infrastructure with the site giving prominence to vehicular movements and raised concern that some of the dwellings could not be served via a fire hydrant and would require sprinklers to be installed. The visiting Councillor concluded by outlining that the proposal did not adhere to the Neighbourhood Plan which was being ignored.

With the permission of the Chair, Councillor Mark Cory addressed the Committee. The Committee heard that if the proposal was approved then it would set a dangerous precedent with regards to Neighbourhood Plans and the emerging Colchester Local Plan. The Visiting Councillor elaborated that Colchester Borough Council supported Neighbourhood Plans and that the adopted plan in Wivenhoe had taken hundreds of hours to prepare and showed that 89% of residents supported development in the area. He confirmed that there were outstanding issues with Anglian Water, cycle paths being behind dwellings and that there was no restriction of Permitted Development rights. It was also noted that the sports pitches that were being provided did not have any additional parking or facilities and asked that the natural area should be protected via a covenant. He concluded by reminding the Committee that RAMs contributions were not paid

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to Colchester Borough Council and outlined that approving the (proposal would set a precedent for future neighbourhood plans).

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At the request of the Chair the Area Planning Manager responded to the points raised by the Have Your Say speakers and visiting Councillors. The Committee heard that the application was being assessed on its own merits and that officers did not consider that there was demonstrable harm identified by Officers of development being north of the power lines. He outlined that the sports pitches were a long way back from the power lines, that the additional space for the number of dwellings allowed for a more attractive development that would otherwise be cramped, and that there was the possibility of further development to the South. It was noted that the scheme did comply with the required housing mix in the Neighbourhood Plan of 1 and 2 bedroom dwellings, that Anglian Water had removed their objection, and that a management company would service the open spaces except the sports pitches. The Committee heard that the use of underground crates were a last resort for drainage issues, that it would be unreasonable to ask for further infrastructure on site for the sports pitches and that the RAM's contribution would be paid to Essex County Council. The Area Manager concluded by outlining that the sports pitches were in a better position than originally proposed and confirmed that the removal of Permitted Development Rights was included in the Officer recommendation.

The Area Planning Manager responded to further questions from the Committee and responded that: there was no vehicle access to Elmstead Road except for construction purposes and that the Neighbourhood Plan required a single point of access, that the applicant had done an assessment of the site and found that it was not possible to provide a scheme that is workable within the allocation area which is why a non-compliant scheme had been submitted.




The Committee debated the application on the issues including: the design of the proposal, including the location of the Sustainable urban Drainage area and the harm to the landscape. The Committee raised significant concern regarding the impact that that would have on the neighbourhood plan and the precedent it would set in the future.

RESOLVED ( BY EIGHT VOTES FOR and ZERO AGAINST with THREE ABSTENTIONS) That the application was refused as it was contrary to the Wivenhoe Neighbourhood Plan site allocation policy; failure to comply with the settlement boundary causing landscape harm and visual intrusion of housing in views from the highway to the north of the site. Further delegation is given to the Development Manager to finesse the wording as appropriate.

#### 7.2 211788 Land west of 194 and east of 202 Old London Road, Marks Tey

([http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS\\_DecisionDetails/mid/391/Id/b6ea8a34-3d81-4e91-b07c-31ca28f81b51/Default.aspx](http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/b6ea8a34-3d81-4e91-b07c-31ca28f81b51/Default.aspx))

Development of the site for commercial, business and service (Class E c and g ), general industrial (Class B2) and storage and distribution (Class B8) purposes with associated access, parking including provision for lost residents on-street parking and landscaping, including diversion of a public right of way, and off-site highway improvement to the Old Landon Road and its junction with the A120.

 [211788 Land West of 194 and East of 202 Old London Road, Marks Tey \(/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=girQ4PT%2bHEp1LO8dCmOoZKRxD00M0myS4RapUsJv8UD2kWt33gonQA%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWctPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSfXsDGW9IXnlG%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2](/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=girQ4PT%2bHEp1LO8dCmOoZKRxD00M0myS4RapUsJv8UD2kWt33gonQA%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWctPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSfXsDGW9IXnlG%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2)

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7.3 [220959 Rear of 192-200 Mersea Road, Colchester](http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/08781d01-f426-4bc9-921c-aa9b37af8761/Default.aspx)  
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Retrospective planning for the construction of a single dwelling, following approval ref: 182342.

 [220959 Rear of 192-200 Mersea Road, Colchester](http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/08781d01-f426-4bc9-921c-aa9b37af8761/Default.aspx)  
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7.4 [220994 2 Colchester Bike Kitchen and 3 Portal Precinct](http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/75ebc36a-460a-4eca-a557-aeb7200bccc4/Default.aspx)  
([http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS\\_DecisionDetails/mid/391/Id/75ebc36a-460a-4eca-a557-aeb7200bccc4/Default.aspx](http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/75ebc36a-460a-4eca-a557-aeb7200bccc4/Default.aspx)).

Shopfront signage for unit 3 Colchester Bike Park and e-Cargo Bike Library, and unit 2 Colchester Bike Kitchen - to be mounted on existing facia.

 [220994 2 Colchester Bike Kitchen and 3 Portal Precinct, Sir Isaacs Walk, Colchester](http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/75ebc36a-460a-4eca-a557-aeb7200bccc4/Default.aspx)  
([/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=HznEWgot1%2fLMAQyx5f5KIJBhaeb%2fxwkwat5lG67x8xiluttpwT1UyA%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pw](http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/75ebc36a-460a-4eca-a557-aeb7200bccc4/Default.aspx)


[dEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2b  
AJvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bY  
GoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd99  
3jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmo  
AfeNR9xqBux0r1Q8Za60lavYmz=ctNJff55vVA%3d&W  
GewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJff5  
5vVA%3d\)](#) (246Kb)

[Click to Show/Hide Minute](#)

8 [Changes to the Planning Scheme of Delegation](#)  
([http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS\\_DecisionDetails/mid/391/Id/8fb6d2fd-0aa7-4f03-af57-767ef0940a94/Default.aspx](http://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/8fb6d2fd-0aa7-4f03-af57-767ef0940a94/Default.aspx)).

The Committee will consider a report which seeks to amend the scheme of delegation to allow certain additional application types to be determined by officers rather than considered by the Planning Committee.

1.1

 [Item 8 - Amendment to Scheme of Delegation](#)  
([\[Click to Show/Hide Minute\]\(#\)](/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=X%2bj%2fQy3HIS%2fRbiifShXRuA5dMoYOL240lsj%2bU6i8ldWKB38a%2fPJ6dQ%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNih225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJff55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJff55vVA%3d)</a>) (122Kb)</p></div><div data-bbox=)


9 [Exclusion of the Public \(not Scrutiny or Executive\)](#)  
In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this

agenda (printed on yellow paper) can be decided.  
Colchester information is defined in Section 100I and  
Borough Council Schedule 12A of the Local Government Act 1972).

 [Planning Committee Information Pages v2](#)

[Part B]((/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=kSMKqrJqcVNugGVJoRusbVIK1m8q4wjmZXjsxjG%2f55hgvmzY8KDRnA%3d%3d&rUzwrPpf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QM aQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlG%3d%3d=hFfUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJff55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJff55vVA%3d). (286Kb)</a></p></div><div data-bbox=)

## Additional Meeting Documents

 [CBC Planning Committee 09.06.2022 Amendment Sheet](#)

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\[View Committee\]\(#\)]((/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=DL4AEiHIDMIZdcQMeXhwbUCr4VuPP0wTLAwyCMrd2TROySODy43Dsw%3d%3d&rUzwrPpf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QM aQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlG%3d%3d=hFfUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJff55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJff55vVA%3d). (86Kb)</a></p></div><div data-bbox=)

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