

# **Planning Committee**

## **Thursday, 16 February 2017**

**Attendees:** Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Rosalind Scott

**Substitutes:**

### **442 Minutes of 2 February 2017**

The minutes of the meeting held on 2 February 2017 were confirmed as a correct record.

### **443 162302 Land adjacent to Axial Way, Colchester**

**Councillor Maclean (by reason of her acquaintance with the objector to the application) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a detailed planning application for residential development to provide 88 residential dwellings (Use Class C3), comprising 62 houses (2 - 2.5 storeys) and three buildings containing 26 apartments (3 to 4 storeys), associated car parking, cycle parking, public open space and pedestrian / cycle infrastructure, formation of pedestrian and cycle only link to public footpath / bridleway and other associated works and improvements at land north of Axial Way, Colchester. The application had been deferred at the meeting on 1 December 2016 to allow negotiations to secure a mitigation fund to address possible costs attributable to changes to the Flakt Woods operation potentially arising from possible noise complaints from future residents. In addition, clarification was sought on the location of the proposed affordable housing units. The Committee had before it a report and amendment sheet in which all the information was set out.

Sue Jackson, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Development and Projects Manager and Chris Cornish, Environmental Protection Officer, assisted the Committee in its deliberations. She explained that, following advice regarding the details of the legal agreement associated with the application, the section 106 agreement and proposed conditions would need to be amended to provide for the payment of the mitigation fund prior to the occupation of any

residential units.

Ian Morehouse, Managing Director of Flakt Woods, Colchester, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He confirmed that there had been a lot of dialogue between the parties since the Committee last considered the application and that the parties continued to be engaged. However, he confirmed that he continued to oppose the application due to the need for the business to retain flexibility of operations around the clock. He confirmed that some of the practices on site generated a lot of noise which was regular in nature and, would potentially, be noticed by residents. As such, he considered there would be the risk of a statutory nuisance and the issuing of enforcement notices upon the company. He also considered the application to be contrary to planning policies for the protection and enhancement of employment uses.

David Moseley, on behalf of Persimmon Homes, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposed development had been very carefully designed in the context of the environment of the area and to take account of the liveability of the houses. An assurance had been sought that Flakt Woods would not be compromised by the development which had prompted the applicants to agree to the provision of a mitigation fund in order to ensure various potential measures to alleviate potential noise problems could be explored should the need arise. He explained that, following a further recent meeting and information supplied by Flakt Woods, it had been agreed the likely cost of mitigation measures were greater than the £50k initially proposed for the fund and, accordingly, he confirmed that the value of the fund would be increased to £158k. He hoped the Committee would consider the application favourably and confirmed the intention to withdraw the appeal in relation to the previous application for the site, should the current application be approved.

Councillor Graham attended and, with the consent of the Chairman, addressed the Committee. He confirmed that he was also representing his fellow Mile End ward councillors, Councillors Goss and Coleman, who were unable to attend the meeting. He confirmed that the three Mile End councillors wished to support the application. He was aware of the extensive discussions which had taken place between the parties involved and thanked them for the attention that had been given and the compromises that had been agreed. He welcomed the assurances provided as a consequence of the various practical solutions which had been incorporated into the scheme and asked the Committee members to take into account the views of the ward councillors in coming to their determinations.

The Principal Planning Officer explained that the initial planning application for the site had been refused by the Committee in June 2016 because there was considered to be insufficient mitigation. The application now before the Committee had taken the need for additional mitigation into account and, as such, could not be considered to contravene

planning policies to protect and enhance employment uses.

The Major Development and Projects Manager also advised that the previous application was quite different to the current application in that it did not include the mitigation fund and all of the mitigation measures outlined earlier. He confirmed, however, that the applicants had indicated their willingness to withdraw their appeal, should the current application be approved.

The Environmental Protection Officer confirmed that a lot of work had been done to ensure that the proposed mitigation measures would be sufficient to prevent future problems from noise complaints, highlighting the issue of the roof line windows which had been designed to ensure that noise levels would be acceptable even when these were opened. He therefore considered that as much as possible had been achieved to prevent any adverse impacts.

One member of the Committee indicated strong reservations about the effectiveness of the mitigation measures proposed and the potential impact on the operations undertaken at the adjacent Flakt Woods site.

Other members, whilst sympathising with the concerns expressed on behalf of Flakt Woods, acknowledged the progress made on the application through the various discussions and resulting compromises. In particular, agreement on the provision of a mitigation fund and confirmation that its value would be increased to match the potential cost of future mitigation measures was welcomed.

RESOLVED (SIX voted FOR, TWO voted AGAINST and TWO abstained) that the Head of Commercial Services be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet and further amendments outlined during the meeting 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, in the event that the legal agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for the following:

- Affordable Housing – 20% which equals 18 units, six 1 bedroom apartments, three 2 bedroom apartments, three 2 bedroom houses and six 3 bedroom houses, the location of the affordable units to be in accordance with drawing dated 12 December 2016, Location of Affordable;
- Open Space, Sport and Recreation – contribution of £283,448 to fund provision of play space locally, provision of recreational facilities on land at Mill Road, provision of sport and recreational facilities on land north of the A12 and provision of sport and recreational facilities at the Northern Gateway Project;
- Community Facilities – contribution of £107,479.68 to go towards improved/extended building/facilities for the community centre that will come forward as

part of Severalls Hospital development;

- Transport Improvements –

- (a) contribution of £26,200 towards upgrades to two bus stops to include real time information boards and provision of new shelters (if a bus route is created along Axial Way);

- (b) Improvements to Public Rights of Way:

- (i) Creation of a sealed surface approximately 3 metres wide for pedestrians/cyclists;

- (ii) Type 1 hoggin surface approximately 2 metres wide for horses;

- (iii) Type 1 hoggin surface;

- (iv) Cycleway to be resurfaced and separate signage provided for the bridleway and cycleway;

- (v) Safety barrier to be provided along bridleway

- (c) Highway Works:

- (i) Traffic island upgraded to a pedestrian refuge on Axial Way;

- (ii) A dropped kerb to be relocated along Severalls Lane;

- (iii) Continuation of cycleway markings for approximately 5 metres along part of Severalls Lane to the top of the bridleway entrance

- NHS contribution of £31,832 to be used at Bluebell Surgery and Mill Road Surgery Colchester, with payment made before the development commences;

- Details of a Management Company and submission of a Management Plan to be agreed by the Local Planning Authority for all the areas which are not either adopted or form part of a private curtilage, including any non-adopted roads and open space. The management company to be responsible for the retention, maintenance, repair and replacement of the screen fencing;

- A Parking Management Plan to be submitted and agreed;

- Mitigation Fund to include a sum not exceeding £158,000 shall be paid by the applicant to Colchester Borough Council prior to the occupation of any residential units and shall be available to Flakt Woods:

- (a) In the event of a noise complaint being lodged and upheld by Colchester Borough Council (within 10 years of the substantial completion of the development) the wording of the precise trigger point to be agreed;

- (b) Costed mitigation measures having been submitted to and agreed by Colchester Borough Council to address the complaint;

- (c) The release of money being conditional upon it being spent on the purposes agreed.

#### **444 163208 Land adjacent to 62 Head Street, Colchester**

The Committee considered an application for the erection of an interpretation panel containing general historical information and logos including friends of Colchester Roman Wall at land adjacent to 62 Head Street, Colchester. The application had been referred to the Committee because the agent was Colchester and Ipswich Museum Service. The Committee had before it a report in which all the information was set out.

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

**445      163110 15 Winstree Road, Stanway, Colchester**

The Committee considered an application for a single storey side extension, two storey rear extension and erection of 1.2m high front garden wall/railings at 15 Winstree Road, Stanway, Colchester. The application had been referred to the Committee because the agent worked for the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

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