

Planning Committee

Thursday, 03 March 2016

Attendees: Councillor Peter Chillingworth (Group Spokesperson), Councillor Helen Chuah (Member), Councillor Jo Hayes (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jackie Maclean (Member), Councillor Jon Manning (Chairman), Councillor Patricia Moore (Member), Councillor Rosalind Scott (Group Spokesperson), Councillor Jessica Scott-Boutell (Deputy Chairman)

Substitutes: Councillor Gerard Oxford (for Councillor Philip Oxford)

283 Site Visits

Councillors Chillingworth, Chuah, Hayes, Hazell, Jarvis, J. Maclean, Manning, Moore, G. Oxford, Scott and Scott-Boutell attended the site visits.

284 Minutes of 7 January 2016

The minutes of the meeting held on 7 January 2016 were confirmed as a correct record.

285 Minutes of 21 January 2016

The minutes of the meeting held on 21 January 2016 were confirmed as a correct record.

286 151850 Cowdray Centre, Mason Road, Colchester

The Committee considered an application for the demolition of existing buildings and redevelopment to provide up to 154 dwellings within Class C3 and up to 2,517sqm B1 and/or D1 floor space, with related access, roads and paths, car parking and servicing, open space and landscaping at the Cowdray Centre, Mason Road, Colchester. The application had been referred to the Committee because it was a major application with an officer recommendation for approval which had generated material planning objections and a Section 106 legal agreement was required. The Committee had before it a report and an amendment sheet in which all the 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, Planning Officer, presented the report and, together with the Simon

Cairns, Major Development and Projects Manager, Martin Mason, Essex County Council, Strategic Development Engineer, assisted the Committee in its deliberations. The Planning Officer confirmed that three further letters had been received since the amendment sheet had been published raising no new planning matters but commenting on the history of the site, congestion and a desire for the site to retain industrial use.

Maurice Fitzgerald addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the site offering an opportunity for change in the form of a regeneration project. The cleared area extended over 10 acres with a number of business units let on short term tenancies. The applicant had sent regular newsletters to the business users and had offered assistance in relocation which had generated only three enquiries to date. Nevertheless, the offer of assistance would be continued. The proposals were on a highly sustainable brownfield site and, as such were fully in line with Government aspirations and policies. The application followed good design principles as well as including ecological improvements, drainage provisions, reductions in heavy goods vehicle movements and low carbon initiatives, including living roofs. He believed the proposals would bring a very welcome solution to a long underused site.

Some members of the Committee were concerned at the loss of the existing business units and regretted the potential loss of local job opportunities. Reference was also made to the site's mixed use allocation requiring no more than 50% to be utilised for residential purposes and the fact that the proposal had placed all the residential development in one specific area of the site. The density of the residential development and its proximity to network rail equipment was questioned as well as potential noise disturbance from trains. Other matters of concern included surface water drainage in the light of known flooding issues nearby, the need for play facilities on the site, the capacity of local schools to accommodate the likely increase in the number of school children from the development and also traffic congestion which was considered to be very problematic particularly at peak times of the day and the impact of the additional traffic generated as a result of the residential development.

Members of the Committee generally welcomed the proposals to improve the wildlife area and the low carbon initiatives proposed for the new dwellings. The site's potential to deliver renewable energy benefits was also mentioned. In particular, the safeguarding of land for potential future use in connection with a link road under the railway line to Petrolea Close was fully supported and reference was made to the potential for this to provide an alternative access for the site and to the north of the railway line generally.

The Planning Officer explained that there were 29 business units on the site of which 19 were currently occupied. The majority were A1 (retail) uses and a lesser number were B2 (vehicle repair type) uses. There was no scope to relocate these type of businesses within Cowdray Trade Park but, as well as the applicant, there was assistance available from the Council to identify potential sites. As the site was designated for mixed use, the loss of these business units from the site was not considered sufficient justification to

recommend a refusal. She went on to confirm that, as the application was for outline permission, matters such as layout, design, density, open space, location of GP surgery and low carbon proposals were all issues which would be considered at the detailed application stage. The report had included a proposed condition in relation to the provision of a buffer between the development and the railway equipment.

Environmental Protection had also recommended a condition to address matters relating to reductions in air quality as a result of traffic issues. Drainage was a matter for Essex County Council, as responsible authority for sustainable drainage systems, and Anglian Water and neither had offered any adverse comments on the proposals whilst Essex County Council in its capacity as Education Authority had requested a financial contribution towards primary school places, should the viability review indicate an improved financial outcome.

The Major Development and Projects Manager explained that it was not considered necessary to retain an A1 use on the site for the possible provision of a convenience store as units with A1 use were already situated along Cowdray Avenue and the planning service understood there was likely to be a future proposal in relation to the nearby store, previously occupied by Staples.

The Strategic Development Engineer was asked specific questions in relation to the site being accessed from only one road and the methods used to calculate a road network's ability to cope with additional traffic. He explained that the site was very similar to the former Flakt Woods development on Bergholt Road, in that it was former industrial premises with one access road. There had been no problems at this location since its development and he did not anticipate any problems with the Cowdray Centre proposals, especially given no matters of concern had been raised by Essex Fire Authority. He also confirmed there were two separate pedestrian routes to access the site. In terms of traffic congestion generally, he explained that the traffic assessment submitted to support the proposals had provided up to date survey data and, by means of the use of TRICS, the national standard for the analysis of the transport impact of new developments, had revealed a potential increase of 3% which was not considered significant. He went on to the very high level of sustainability of the site, with its close proximity to food shops, leisure facilities, the railway station and the town centre meaning car owners may opt not to use their vehicles on a regular basis. He explained that the provision of a tunnel under the railway had been an aspiration over a number of years but its delivery would come at a very significant financial cost (estimated at £30m in 2011). In the circumstances it had been agreed with the applicant that improvements would be provided to upgrade the public footpath to the north west of the site to a cycleway whilst he was not able to support any suggestion to create a link to Clarendon Way by the provision of highway rights to this route as it would be detrimental to the public rights of way network.

RESOLVED (TEN voted FOR and TWO ABSTAINED) that the planning application be approved 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, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- Viability review
- Land to be set aside for a possible future road link under the railway line to Petrolea Close, details to be provided
- Provision of play area on site, details and of management company to be provided
- Open space secured at reserved matters stage, to be managed by private company (details to be provided), details of provision to be provided

and on completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report

287 152438 40 Boadicea Way, Colchester

The Committee considered an application for the retention of additional windows, repositioning of side door and window in newly built garage at 40 Boadicea Way, Colchester. The application had been referred back to the Committee following the deferral of consideration at the meeting on 21 January 2016 to enable the Head of Professional Services to facilitate further negotiations with the applicant to seek a better level of protection to neighbouring properties and to secure more control over the garage use. 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 revised report.

288 160206 The Old Police Station, 37 Queen Street, Colchester

The Committee considered an application for advertisement consent for a shroud to be placed on the front elevation showing the proposed creative business centres at The Old Police Station, 37 Queen Street, Colchester. The application had been referred to the Committee because the Council was involved in the redevelopment of the building. The Committee had before it a report in which all the information was set out.

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