

AMENDMENT SHEET

Planning Committee
18 June 2020

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

9.2 1090043 – Phase 2, Land west of Brook Street, Colchester

Amendments to Legal Agreement

Paragraph 18.1 amended wording

The agreement to also include a viability mechanism to review viability (using the same criteria as the Viability Appraisal submitted with the application). If the blocks are erected in one phase then a review shall take place on the first occupation and again at 55% of occupations but if the blocks are erected piecemeal and occupations take place on a piecemeal basis a review shall take place prior to the occupation of 25% and then prior to the occupation of 50% of the units. Any further viability identified would then be apportioned on the basis of an equal split between affordable housing and education.

Agreement to secure the retention of a 12 metre strip of land for the East Colchester Rail Transit route.

Further Representations

Six representations raising objection to the application have been received since the report was prepared. The representations mainly re-iterate objections previously raised, which are set out in the report, but also include the following comments;

- ecology report identifies habitats for numerous species include Great Crested Newts, but no details of management seem to have been shown. *Officer comment the survey work undertaken to inform the Ecological Appraisal indicates Great Crested Newts are not present on the site. The recommendations set out in the document are secured by condition.*
- No CGI's provide of views from George Williams Way provided. This could represent a loss of visual amenity on dwellings on George Williams Way, especially at ground floor.
- The Landscape masterplan shows a foot/cyclepath ending at the railway with a 'Link to the west'. This appears to be an effort to show 'links' to existing footpaths, but will require construction of a bridge or tunnel to cross the railway and therefore is very unlikely to happen. *Officer comment the note on this drawing indicates a potential link to the East Colchester Rail Transit route*

A further representation was received late Wednesday morning which considers the application in respect of the NPPF and sustainable development, the representation is produced below;

Under the “NPPF”, there are the 3 overarching objectives – economic, social and environmental objectives.

I would argue that the proposed development fails to meet the social objectives in respect of:

a) “meet the needs of present and future generations by fostering a well-designed and safe built environment” - the Planning Officer’s Report (“Report”) acknowledges concern with regard to the proposed car-parking provision – deeming it inadequate. There is an existing severe lack of parking in the George Williams Way development (“GWW development”), which impacts on the residents of neighbouring roads who have their parking facilities compromise;

b) “fostering a well-designed ... environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”. The Report acknowledges that there is a lack of capacity at the local primary and secondary schools, and the 4 local GP practices. There will be inadequate open space for residents to enjoy. It is recognised that Brook Street and Magdalen Street already have extremely poor air quality which is detrimental to residents’ health – it is inevitable that this will be further exacerbated with the proposed additional properties. The development will increase footfall through the GWW development and it is very likely the current level of anti-social behaviour will increase.

I would assert the environmental objectives are not met in relation to:

a) “protecting and enhancing our natural, built and historic environment” due to destroying a vital wildlife habitat which includes species of conservative concern (especially when less than 10% of green area in New Town) and the proposed build not being in keeping with the local landscape. The Report referred to bats, reptiles, badgers, amphibians and 550 invert species having been identified at the site of the development - some of which are of conservative concern and protected species. On that basis alone, it is surprising/incredulous that any development is being permitted to take place. Also, it is proposed that the development will be 5 storeys when the GWW is comprised of 3 and 4 storeys – 3 storeys adjacent to the new proposed development.

b) “minimising pollution” – it is inevitable that the proposed development will increase pollution levels.

Under Promoting Healthy and Safe Communities at clause 91 b), it refers to “ensuring places are safe and accessible”, and that crime does not undermine quality of life – the proposed development of the size being applied for adjacent to the GWW development which is itself a relatively large development will mean that the area is overcrowded with little public space and again, there is likely to be an increase in crime.

At Promoting Sustainable Transport under clauses 102 a) b) d) and e) it is stated that “potential impacts of development on transport networks” should be addressed, that the existing/proposed transport infrastructure should be taken into account to determine the “scale, location or density

of development that can be accommodated”, “the environmental impacts of traffic and transport infrastructure” should be taken into account, and the “patterns of movement, streets, parking”. I believe that if all these directions were addressed, then the proposed development would fail to meet the required standards due to the New Town area being extremely highly developed/overcrowded, the recognised traffic congestion in the local area especially in Brook Street, recorded high levels of pollution, and current lack of designated/available parking in the proposed development, George Williams Way and neighbouring roads. Under clause 105 a), it states that consideration should be given to “the accessibility of the development”. The access road is via Brook Street which is an extremely congested road, which will mean that residents will often experience severe difficulties entering and leaving the development.

Under clause 117 – Making Effective Use of Land – it refers to “safeguarding and improving the environment and ensuring safe and healthy living conditions”. Again, the natural wildlife will be destroyed and the pollution levels will be increased.

Clause 122 c) under Achieving Appropriate Densities, it refers to considering “the availability and capacity of infrastructure and services - both existing and proposed”. As mentioned, it has been recognised that the local GPs and schools will not have capacity for the residents of the proposed development – and Colchester General Hospital is already under pressure, covering an extensive continually-developing area. Again, clause e) refers to the “importance of securing well-designed, attractive and healthy places”.

Under clause 127 e) - Achieving Well-Designed Places – it states that developments should ensure “an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks” – again, there will be insufficient green space for the proposed development, with all the natural green space being destroyed. The GWW development only has a small green public space – not sufficient to accommodate the residents of the proposed development. Clause 124 f) states “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” The proposed development will create over-crowding, an unhealthy, polluted environment, destruction of a much-needed green habitat, will undoubtedly create further more anti-social behaviour and basically, create an environment which will be less favourable and pleasant for the residents.

Clauses 170 e) – Conserving and Enhancing the Natural Environment refers to “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of ... air ... or noise pollution, or land stability”. Clause 171 refers to “taking a strategic approach to maintaining and enhancing networks of habitats”. The proposed development does not comply with these directions.

The importance for people to breathe clean air (which is defined as air free from certain pollutants or concentrations of pollutants above certain levels – which applies to Brook Street) is extremely significant. The Clean Air (Human Rights) Bill 2019 – 2020 had its first reading in the House of Commons on 3 January 2020 and the right is set to be an additional human right to those contained in the Human Rights Act 1998. Local authorities would have a duty to achieve clean air throughout their area and are charged with taking a lead on achieving air quality targets. It would be good if Colchester Borough Council would take a lead and refuse the planning application on this basis – to protect residents' health. The majority of the trees on the development site will be removed, minimising the effect that they have on "cleaning the air" – another factor which will lower the level of air quality.

I hope that the Council will be sympathetic to the local residents, including those who signed the Petition, who will be directly impacted by the proposed development and whose lives will be irrefutably compromised, and refuse this planning application in accordance with the many reasons that have been outlined by all the objectors.

Environmental and Carbon Implications (this section is missing from the printed agenda)

The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.

The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. The detailed application involves the removal of some trees but new tree planting is proposed together with the formation of a wildlife area. Management of the trees and wildlife area will be beneficial to both flora and fauna. The application includes a new cycle and pedestrian path linking to other paths. Improvements to existing paths will encourage use by pedestrians throughout the wider area, including the town centre. The scheme also includes the provision of a car for the Love ur car car club. Twenty per cent of the parking spaces will be equipped with electric charging points and electric bicycle charging points are also proposed. This will encourage the purchase of ultra-low emission vehicles. The site is in a sustainable location within easy walking distance of Colchester Town Centre, the Town railway station, bus station and numerous facilities and services.

It is therefore considered the application represents sustainable development as the impacts of the development are capable of mitigation and are outweighed by the public benefits of the scheme.

Additional condition

No occupations shall take place until the surface water drainage scheme for the site, detailed in the Flood Risk Assessment incorporating Surface Water and Foul Drainage Strategy Document accompanying the application has been implemented.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater.

Amendments to condition

Condition 3 approved Plans add/amend the following drawing numbers

Window to Window distances IN003-AP-09 rev F

Landscape masterplan DFFCC 2899-L02 rev C

West POS DFCC-2899-L0A rev B

Central Courtyard Open Space L03rev B

Corrections

paragraph 16.36 line 5 the number of parking spaces should be 254

paragraph 10.6 line 1 The correct address is Saw Mill Road

Item 10 - Temporary Changes to Planning Scheme of Delegation

Paragraph 5.11 of the report should read:

- All those applications **to be** determined under the revised Interim Arrangements will be reported to The Members who will be able to recommend that an application is referred to the Committee if they consider it to be in the public interest.

Additional planning applications determined under the interim arrangements;

1. 200464 - Colchester Holiday Park, Cymbeline Way – discharge of existing S106 agreement related to occupancy of bungalow – agreed as per officer recommendation.
2. 200316 - Severalls, Myland - Co-op store and children's day care centre – officer recommendation - approval; Decision - approved