

# Planning Committee

Thursday, 30 June 2016

**Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Pauline Hazell (Group Spokesperson), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson)

**Substitutes:** Councillor Michael Lilley (for Councillor Rosalind Scott)

## 332 Site Visits

Councillors Barton, Chuah, Hazell, Higgins, Jarvis, Loveland and Liddy attended the site visits.

## 333 Minutes of 25 May 2016

*RESOLVED* that the minutes of the meeting held on 25 May 2016 be confirmed as a correct record.

## 334 Minutes of 26 May 2016

*RESOLVED* that the minutes of the meeting held on 26 May 2016 be confirmed as a correct record.

## 335 Minutes of 9 June 2016

*RESOLVED* that the minutes of the meeting held on 9 June 2016 be confirmed as a correct record.

## 336 160192 Footbridge, Balkerne Hill, Colchester

The Committee considered an application to remove the existing footbridge and replace

it with a similar style bridge, 3 metres wide. The application had previously been considered by the Planning Committee on 26 May 2016 but was deferred for further clarification of a number of issues. The Committee had before it a report in which all information was set out, together with further information contained in the Amendment Sheet, including the Road Safety Audit.

Daniel Cameron, Planning Contributions Officer, presented the report and together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Sir Bob Russell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Whilst he was in favour of improving cycling provision, this should not be done at the expense of pedestrians. Widening the bridge in order to provide a shared facility would increase the likelihood of conflict between pedestrians and cyclists, who currently used the bridge together without any issues. Whilst it was noted that it was suggested that the proposed works would link to existing cycling routes, cyclists already used the bridge to link to existing routes but were happy to dismount and walk bikes across. A wider bridge would encourage them to cycle at speed and put pedestrians at risk. The proposals also did not take account of the Council's discussions with the Mercury Theatre to improve the environment around the Mercury Theatre. The funding for this project would be better spent on filling potholes in the borough's road network.

Alan Lindsay, Transport Strategy and Engagement Manager, Essex County Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Essex County Council had a long term aspiration to improve cycling provision in Colchester since it had received Cycle Town Status. The proposal would provide access to and from the town centre and link to existing cycle routes. It would allow joint use of the facility by both pedestrians and cyclists. Safety concerns had been looked at very carefully through a multi-stage process. A safety audit had been completed, which demonstrated how the safety issues that had been raised could be addressed. Any future issues could be dealt with as they arose. The proposed new bridge would be a key element of Colchester's sustainable travel infrastructure.

Some members of the Committee expressed concern about the safety implications of a shared facility and queried the use of funding for this facility. The bridge was heavily used by pedestrians, including children and the elderly, using St Mary's car park. A wider bridge would encourage cyclists to cross at excessive speeds, which would be a risk to pedestrians using the bridge. Concern was also expressed about the height of the railings on the bridge and the impact on the areas around the Mercury Theatre. Some members indicated that they would support the widening if signage asking cyclists to dismount was installed.

In response, the planning officers explained that the Mercury Theatre had been

consulted and had raised no objections to the proposals. Other potential uses for the funding was not a material planning consideration. There was no expert evidence that the shared space caused a safety issue and the height of the railings was not changing from the existing. The purpose of the proposed new bridge was to facilitate access by cyclists and therefore the installation of signage asking them to dismount would defeat the purpose of the application.

*RESOLVED* (SIX voted FOR, THREE voted AGAINST and ONE ABSTAINED from voting) that the application be approved subject to the conditions and informatives set out in the report.

**337      151885 Axial way, Colchester**

**Councillor Jackie Maclean (in respect of her business) 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 residential development comprising 87 residential dwellings, with associated car and cycle parking, public open space, pedestrian and cycle infrastructure, formation of linkages to adjacent footpath and bridleway and other associated works. The application had been referred to the Committee as it had been called in by Councillor Goss and because it was a major application on which objections had been received. The Committee had before it a report in which all information was set out, together with further information on the Amendment Sheet.

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.

Sue Jackson, Principal Planning Officer, presented the report and together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Ian Kinghorn of Flakt Woods addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Flakt Woods had previously operated at a site at Tufnell Way but had received complaints about the impact of its operations from some neighbouring residential properties. Flakt Woods had moved to its current site approximately 10 years ago as it had been keen to remain in Colchester. The nearest housing was currently 140 metres away, but if the application was approved, housing would be brought significantly closer to the factory. Flakt Woods were concerned by the conclusions of the final acoustic report that noise levels would be above guidelines in some areas. This could lead to complaints and possible private

nuisance actions from residents. This would leave them in a similar situation as at Tufnell Way. Whilst Flakt Woods did not wish to create difficulties, it could not agree to a proposal that could have a negative impact on the business and if approved, would want a flexible approach to be taken to any noise related complaints.

David Mosely, Persimmon Homes, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The site had been allocated for residential development in the Local Plan in 2010. The applicants had worked with officers and consultees to address any issues raised. In terms of noise, the homes would be set back from Axial Way and behind an acoustic screen.

Persimmon's acoustic consultant had positively engaged with Flakt Woods and the Council's Environmental Health Officers and the scheme had been designed to deliver a satisfactory living environment. Detailed modelling had been undertaken and this showed that internal noise levels would meet guidelines on noise levels. Where noise levels would be exceeded this was a consequence of road noise and the guidelines were clear that this was acceptable in areas near strategic road networks. The scheme would provide allocated parking in line with standards and the roads would be constructed to an adoptable standard. The scheme would deliver contributions of over £420,000 to local infrastructure.

Councillor Goss attended and with the consent of the Chairman addressed the Committee. The site had been allocated as housing in 2010 but previously had been allocated as industrial land. This was a high density scheme: in the Local Plan it was anticipated that the site might provide 70 dwellings. Support for Flakt Woods comments on noise issues was expressed and if approved, the permission should require triple glazing. Parking provision was below standard and the density of the scheme should be reduced to allow the scheme to meet standards. If the Committee was minded to approve the application it should add a condition requiring the introduction of a residents only parking scheme. Electric car charging points should also be required by condition.

In discussion, members of the Committee expressed concern about the proximity of residential dwellings to the Flakt Woods site and the potential impact of road noise from Axial Way and the A12. The proposed mitigation measures did not seem to be sufficient to protect residential amenity. Members were also concerned about the potential impact of any complaints about noise on Flakt Woods, who were a major employer and who had behaved responsibly in moving from Tufnell Way. Members sought clarification as to whether they would have been directly consulted about the proposed change in the allocation of the site. Given the combination of road noise and the operation of Flakt Woods it was inevitable that some complaints would be made. Concern was also expressed about the under provision of visitor parking and potential conflict between cyclists and other users of the bridleway.

The Principal Planning Officer explained that the site was not unacceptable in terms of density. Residents parking standards were met, although there was a shortfall in visitor

parking. Roads would be made to an adoptable standard and the parking would be managed by a management company. It was confirmed that although the Local Plan would have been subject to consultation, Flakt Woods would not have been directly notified of the proposed change in the land use allocation of the site. The bridleway was being widened which would be an improvement to the existing situation.

In response to concerns expressed by the Committee on noise issues, Belinda Silkstone, Environmental Protection Manager, was invited to address the Committee. She explained that the application had been modelled on the basis of day to day operations on the factory site and the impact on properties was measured on the basis of windows remaining closed. As a consequence of the modelling it was proposed that some properties would be provided with enhanced glazing. Acoustic barriers were also proposed and these were an accepted method of noise attenuation and would help protect outside spaces. In terms of how complaints on noise would be dealt with, the Council had a statutory duty to look into any complaints that were received. If it failed to do so, residents could take their own private action.

Members remained concerned about the shortfall in parking provision and the adequacy of the proposed methods to mitigate noise and considered that as a consequence residential amenity would be unduly affected.

*RESOLVED* (UNANIMOUSLY) that the application be refused on the grounds of inadequate parking provision and the failure of the scheme to adequately mitigate the impact of noise from the Flakt Woods site, which would have an undue impact on residential amenity and the operation of Flakt Woods.

### **338      160551 Rowhedge Wharf, High Street, Rowhedge**

The Committee considered an application for the demolition of existing vacant units and erection of a residential development comprising 86 new residential dwellings together with associated hard and soft landscaping, access, car parking and servicing, amenity space and associated utility infrastructure. The application had been referred to as it was a major application and representations raising material planning applications had been received. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposals on the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Councillor Phil George, Chairman of East Donyland Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He welcomed housing development on brownfield sites and appreciated the informal meeting with the applicant. However, the Parish Council had some concerns. There were some factual inaccuracies on the Planning Statement submitted by the applicant. The application had scored as poor in the Building for Life Assessment and asked the Planning Committee to take account of this low score. The environmental surveys were incomplete. The Parish Council was also concerned that the infrastructure of the village could not cope with the increase in population that would result from the application. The school and doctor's surgery were already full. The Parish Council would like the following to be considered as part of the section 106 agreement;

- The management of the greensward open space proposed as part of the development;
- The developer to be responsible for ensuring the public right of way between the site and the existing Bloor site was developed and maintained;
- Consideration be given to funding the Pump House project, which would be a more suitable use for a community facility contribution than the Social Club.

Councillor Scordis attended and with the consent of the Chairman addressed the Committee. He echoed the Parish Council's comments. In addition the issues with flooding needed to be resolved before any building took place. It was also important that the proposed access to the site via Haul Road rather than through Rowhedge village was enforced.

In response the Principal Planning Officer explained that the appropriate section 106 contributions had been considered by the Council's Development Team. The request by Essex County Council on education were being met. There had been no request for a contribution from the NHS. However phase one of the scheme did provide for a new building which could be used for a doctors surgery. The Council's Community Facilities team had been involved in discussions and the Social Club had been identified as a facility that was in need of substantial enhancement. The open space would be managed via a management company and the Building for Life Assessment referred to had been made at a preliminary stage. The Urban Design Officer now considered that the scheme was well designed. Access to the site by both construction and residential traffic would be by the Haul Road entrance.

In discussion, members explored further issues relating to the section 106 contributions. Concern was expressed that the Parish Council had not been consulted about the proposed contribution to the Social Club. Further information was also sought about the use of the education contribution and whether this could be ring-fenced for use in Rowhedge. Some members expressed a view that the scheme was well designed and the proposed dwellings took reference from existing buildings. The new

access road was also welcomed.

The Principal Planning Officer confirmed that the application met standards on affordable housing and public open space. The section 106 contribution for education could not be ring-fenced for use in Rowhedge. It would be for Essex County Council to decide how it should be used. Whilst the Parish Council's interest in the Pump House as a potential community facility was noted, the project was not yet at a stage where section 106 funding could be allocated to it.

*RESOLVED* (NINE voted FOR and ONE ABSTAINED from voting) that the application be approved subject to the signing of a section 106 agreement and subject to the conditions and informatives in the report and the Amendment Sheet.

### **339      160608 Eastwood Service Station, Ipswich Road, Colchester**

The Committee considered an application for the redevelopment of the existing petrol filling station to include a new sales building, canopy, fuel pumps, car wash, boundary treatments, service compound, hard and soft landscaping and ancillary rearrangements to the forecourt. The application was referred to the Committee because the application had been called in by Councillor Beverley Oxford. The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposals on the locality and the suitability of the proposal for the site.

Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations.

A petition containing 38 signatures in opposition to the application was presented to the Committee.

Richard Rodley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He drew comparisons with application 151885, which the Committee had earlier refused, in that the issue was the impact a commercial operation would have on local residents. If approved, the application would cause noise and air pollution. The level of car parking on site would increase from 2 to 15. The shop would increase in size by two-thirds. The Committee should restrict development to the existing boundary of the site. There was amenity land to the rear and side of the site which protected residents from noise and pollution from the site. Under the proposals lighting and car parking would be extended right up to the boundaries of the site.

Hannah Thomas-Davies addressed the Committee subject to the provisions of Planning Committee Procedure Rule 8 in support of the application. The principle of the development was already established. The plans had been revised to take into account concerns of residents. A drainage strategy would address residents concerns on drainage. The existing landscaping would remain and an additional three trees would be planted. The vents to the tanks would also be moved. This was the first major overhaul of the site and would lead to a state of the art development.

Councillor Smith attended and with the consent of the Chairman addressed the Committee. He explained that was some confusion over opening hours: the current hours were 7.00am – 11.00pm, but it was proposed that this be changed to 6.00am - 11.00pm. The design of the shop did not take account of its location in a residential area and a more sympathetic brick building would be more appropriate. There needed to be better separation between traffic entering the site and traffic using Myland Hall Chase.

Some members of the Committee were concerned about issues of light pollution, overdevelopment and increased use of the site leading to increased conflict with pedestrians. However, it was noted that no changes to the existing access were proposed and that there was no objection from the Highways Authority. The majority of the existing boundaries would be retained and there was little opportunity for noise and light to escape from the site and impact on the amenity of local residents.

In discussion it was suggested that a terracotta finish to the road side elevation of the shop may be more appropriate to match housing in the area. Concern was also expressed about the opening hours and the impact of deliveries. It was confirmed that the applicant was content to work to the existing opening hours of 7.00 am – 11.00pm. It was also suggested that in order to protect residential amenity there should no setting up of the forecourt before these hours and that a delivery strategy should be agreed. In addition covered cycle parking for staff and customers should also be provided.

*RESOLVED* (EIGHT voted FOR and TWO ABSTAINED from voting) that the application be approved subject to the conditions and informatives in the report and on the Amendment Sheet together with additional conditions requiring the submission and agreement of a delivery strategy, the restriction of opening hours to 7.00am – 11.00pm with no setting up of the forecourt prior to opening and covered cycle parking for staff and customers.

#### **340      160071 Bourne Court, Colchester**

The Committee considered an application for the erection of 37 residential units, complete with access and parking provision. The application was referred to the



Committee as it was a major application that involved the signing of a section 106 agreement and objections had been received.

The Committee made a site visit in order to assess the impact of the proposal on the site and the suitability of the proposal for the site.

Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations.

Robert Pomery addressed the Committee in support of the application pursuant to the provisions of Planning Committee Procedure Rule 8. Outline permission had been given for the proposal in 2014. A small increase in the number of dwellings from the outline permission was proposed which would be achieved by reducing the size of some of the dwellings. There would be more affordable housing and two bungalows were included in the scheme, which would provide a gateway to the site. The scheme was well designed and met policies. Issues raised about surface water drainage and flooding had been dealt with. The scheme was an efficient use of an underused brownfield site and would provide family housing at affordable prices.

Councillor Harris attended and with the consent of the Chairman addressed the Committee. He had conducted a survey earlier in the year about the path which would connect the site with Bourne Court. Whilst residents of King George Road and Queen Mary Drive welcomed the path, it was strongly opposed by residents of Bourne Court and Dudley Close. It was important that the boundary fence with Dudley Close was fit for purpose and that there was clarity on responsibility for its maintenance. The roads into the development needed to be wide enough for delivery and refuse vehicles and residents of Queen Mary Close and King George Road would like to see a 20 mph speed limit imposed. There was no information about the provision of recycling facilities.

In response the Planning Officer explained that the footpath was seen as a strategic route that would provide linkages to the site. The Highways Authority was content with the scheme and their suggested improvements had been incorporated into it. The issue of speed limits on Queen Mary Close and King George Road were for the Highway Authority.

The Committee indicated that they were content with the scheme but suggested an additional condition be included requiring the provision of recycling facilities for the flats.

*RESOLVED* (UNANIMOUSLY) that the application be approved subject to the signing of a section 106 agreement and subject to the conditions and informatives set out in the report and an additional condition requiring the provision of recycling facilities for the flats.

**341      161336 Old Heath Recreation Pavilion, Recreation Road, Colchester**

The Committee considered an application for the redevelopment of the Old Heath Tennis Pavilion into a community cafe. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report in which all the information was set out.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report.

**342      161099 Land at 23 Belle Vue Road, Wivenhoe**

**Councillor Cyril Liddy (in respect of his personal acquaintance with the objectors) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an outline application with all matters reserved for the construction of a new 3-4 bedroom dwelling within the boundary of 23 Belle Vue Road. The application was referred to the Committee because Councillor Cory and Councillor Scott had called it in. The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

Chris Harden, Planning Officer, presented the report and together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Greg Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The new development would be only 80cm from the side wall of the dwelling at 25 Belle Vue Road. The application was contrary to the Council's policies on infill development, visual separation and housing density. The submitted plans were so inadequate as to be misleading. There was also a procedural irregularity in that the Planning Officer had written his report in advance of the close of the consultation period and before his objection had been received. Whilst there was an opportunity to develop this plot a more sensitive form of development was needed.

Joel Walsh addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application complied with planning policy. There would be adequate distance between the dwelling and existing buildings. The dwelling would not be set forward so it would not be to the detriment of

the street scene. Off road parking would be provided. The development would still leave a large garden for 23 Belle Vue Road. The concerns of neighbours would be taken into account during the design stage and the building would be sympathetically designed.

Councillor Cory attended and with the consent of the Chairman addressed the Committee. The proposed development would not fit in with the street scene and whilst a garage would fit comfortably in the space proposed, a large house would not. It would cause a loss of residential amenity, loss of space between houses and the loss of privacy, all contrary to Council's policies on backland and infill development. It would be out of character with the street scene. The only precedent on the street was No. 19A, which was built before the present guidance was adopted. The loss of space between buildings would give a crammed and terraced effect. Paragraph 5.4 of the relevant Supplementary Planning Document required that such developments made a positive contribution to the character of the area, but this development did not do so.

The Planning Officer explained that the submitted plans were illustrative and the final design would be submitted at the reserved matters stage. There was sufficient room on the plot for the development and for the provision of two parking spaces, and with careful design the building could enhance the street scene. No significant vegetation would be lost.

Members of the Committee expressed concern about the proposals, in particular the proximity to neighbouring properties and the impact this would have on the street scene and on residential amenity. The Major Developments and Projects Manager suggested that the Committee could defer the application and request further information including an indicative design which would enable the Committee to assess whether a satisfactory form of development in line with policy could be achieved. It would also provide the opportunity for a site visit.

*RESOLVED* (NINE voted FOR and ONE ABSTAINED from voting) that the application be deferred for the submission of illustrative plans to demonstrate that a satisfactory form of development can be achieved in conformity with the Adopted Backland and Infill Supplementary Planning Document, and for a Committee site visit.

### **343     152814 University of Essex, Wivenhoe Park, Colchester**

The Committee considered an application for the erection of a sports centre extension to include sport hall containing 3 basketball courts together with facilities for sports therapy and human performances, classrooms, rehabilitation area, social space and bar and post graduate study facilities. The Committee had before it a report in which all the information was set out, together with additional information on the Amendment Sheet.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report and the Amendment Sheet.

**344      160974 Creffield Medical Centre, 15 Cavalry Road, Colchester**

The Committee considered an application for the erection of a commemorative plaque. The application was referred to the Planning Committee because the applicant was an Honorary Alderman. The Committee had before it a report in which all the information was set out.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report.

**345      160990 Brickhouse Farm, Lower Road, Peldon**

The Committee considered an application for a general purpose extension to an existing farm building to include a self-contained and sectioned off wash down area. The application was referred to the Committee as the applicant was a Borough Councillor. The Committee had before it a report in which all the information was set out.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report.

**346      161058 Town Hall, High Street, Colchester**

The Committee considered an application for listed building consent for the restoration of a clock face, including the removal and replacement of opal glass. The application was referred to the Committee as Colchester Borough Council was the applicant. The Committee had before it a report in which all the information was set out.

*RESOLVED* that the application be approved subject to the conditions and informatives set out in the report.

