

# Planning Committee

Thursday, 26 May 2016

- Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Member)
- Substitutes:** Councillor Patricia Moore (for Councillor Pauline Hazell), Councillor John Elliott (for Councillor Derek Loveland)

## 317 Site Visits

Councillors Barton, Chuah, Elliott, Jarvis, Liddy, J. Maclean, Moore and Scott attended the site visits. Councillor Higgins attended the site visit to the Footbridge at Balkerne Hill only.

## 318 Minutes of 28 April 2016

*RESOLVED* that the minutes of the meeting held on 28 April 2016 be confirmed as a correct record.

## 319 152730 Land west of Brook Street, Colchester

**Councillor Higgins (by reason of her having expressed a prejudicial view on the application) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination after she had made representations as a visiting ward councillor.**

**The Deputy Chairman, Councillor Liddy, here took the Chair.**

The Committee considered a hybrid planning application comprising of an outline planning permission (with appearance and landscaping reserved) for the development of 58 residential dwellings (26 one bedroom and 32 two bedroom) together with associated car and cycle parking, landscaping and open space access and servicing arrangements and full planning permission for the change of the former rectory building to C3 (residential) to provide five residential dwellings (five two bedroom) and new build (1 one bedroom and 2 two bedroom) together with associated car parking, access and servicing arrangement at land west of Brook Street, Colchester. The application had been referred

to the Committee because it was a major application with material objections had been received and a legal agreement was required. In addition, the application had been called in by Councillor Higgins. The Committee had before it a report 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.

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

Natasha Austin, a resident of George Williams Way, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained her concerns about the prospect of the access route being provided by utilising George Williams Way on the basis that the road was very narrow, with insufficient parking provision which had led to ongoing parking problems and the need for pedestrians to walk in the roads. If access was provided it would require the crossing of existing footpaths and she was of the view that this would not be appropriate or workable, especially given the fact gravel area was currently used by children as a play area. She requested the Committee to refuse any proposal to widen George Williams Way on the basis that it would lead to encroachment and danger to pedestrians.

David Symonds addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposals being presented had followed 18 months of discussions with planning officers to provide around 70 homes as well as addressing other challenges associated with the site. The access proposed from Brook Street was considered to be the best solution bearing in mind the grading to the site and the avoidance of impact for the residents of George Williams Way, whilst the transport assessment had also demonstrated that there was sufficient capacity in the Brook Street location. He went on to explain that he had worked closely with the Environmental protection Team and no issues had emerged in relation to air quality. The site was a very sustainable, well designed one which had been deemed to be satisfactory by the Highway Authority. Much needed housing would be provided as well as ecological enhancements, transport movements were being safeguarded and the existing buildings would be retained.

Councillor Higgins attended and, with the consent of the Chairman, addressed the Committee. She explained that she was objecting to the use of Brook Street as the access to the site as she was of the view that the development in George Williams Way had been designed to provide access to the site beyond, by means of the use of the area which was currently gravelled. She still maintained that this was the best option as she was concerned about the prospect of more vehicles utilising Brook Street and had been disappointed that no objection to this effect had materialised from the Highway Authority. She acknowledged the highly sustainable nature of the site but considered

that this was unlikely to lead to a marked absence of car ownership by residents. As such she was of the view that parking provision needed to meet the approved standard, with no exception being made. She also referred to the proposed provision of car ports and was concerned that these may, over time, become used as play areas by children. She considered this eventuality would be avoided by means of the provision of a designated play area for children.

A number of members of the Committee referred to the considerable on-street parking in George Williams Way which had been observed on the site visit and the merit of relaxing of the parking proposals for the development on the grounds of its high degree of sustainability. Mention was also made of the impact on the air quality issues associated with Brook Street and its suitability to provide access to the site given the existing poor air quality in the area, potential drainage issues in relation to the low lying nature of part of the site and the potential for the site to deliver a proportion of affordable housing.

The Principal Planning Officer explained that the parking provision which had been approved in relation to the George Williams Way development had been made at a time when the adopted standard was for a minimum level of provision rather than a maximum. She considered the cycle and car parking provision of one space per unit with additional spaces for visitors for the proposed development, amounting to 94 spaces across 66 units, would be adequate given the close proximity of the site to the town centre. She confirmed that the gravel area was not intended to be used for access and the proposals did include a designated children's play area on site together with public amenity areas and flats with roof gardens. The provision of access from Brook Street had been considered acceptable by the Highway Authority and she confirmed that the proposed underground parking would be located in elevated part of the site and, as such, would not be susceptible to flooding. The viability appraisal had been subject to an independent assessment which had found the conclusions to be acceptable. Anglian Water and Essex County Council, as lead drainage authority had found the surface water and foul drainage proposals to be acceptable. She reiterated that the report included proposed a landscape condition and a condition to provide for electric charging points.

Belinda Silkstone, Environmental Protection Manager, confirmed that Brook Street was an Air Quality Management Area and that Air Quality Impact Assessments had been undertaken to assess the impact of the proposed development on the area. This had predicted a negligible impact due the relatively few additional vehicle movements in relation to the existing levels which had been recorded at 100,000 per week. She went on to explain that there was also existing air quality issues for Magdalen Street due to the high number of Heavy Goods vehicle usage.

The Major Developments and Planning Projects Manager acknowledged the parking problems associated with the development at George Williams Way which had been as a consequence of particularly low adopted standards at the time the development was

given approval, the current lack of traffic regulation measures and the site's close proximity to the town centre. However, he confirmed that the proposed site under consideration was in a highly sustainable location and the proposed parking provision was considered adequate.

*RESOLVED* (FIVE voted FOR, THREE voted AGAINST and ONE ABSTAINED) that consideration of the planning application be deferred for further negotiation to be undertaken to seek revisions to achieve a greater number of parking spaces in compliance with adopted standards and for the outcome to be reported back to the Committee in due course.

### **320 160192 Footbridge, Balkerne Hill, Colchester**

**The Chairman, Councillor Higgins, here resumed the Chair.**

The Committee considered an application for the removal of the existing 1.8m wide footbridge at Balkerne Hill, Colchester and replacement with a similar style bridge 3.0m wide to provide a shared facility for both cyclists and pedestrians to have access via this bridge into Colchester Town Centre. The application had been referred to the Committee because former Councillor Frame had called it in. The Committee had before it a report 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.

Daniel Cameron, Planning Contributions Officer, presented the report and, together with the 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. He considered the existing footbridge to be a shared facility for both cyclists and pedestrians whilst the proposal being considered by the Committee was for a separate segregated facility. He explained that cyclists were currently prevented for using the bridge, other than on foot whilst the proposal was intended to link existing cycle routes. He was not clear how this would be achieved given each end of the bridge was accessed by means of footways. He was of the view that the Committee should refer the proposals back to Essex County Council with a request for further clarification regarding the detailed access arrangements proposed for cyclists and pedestrians across the bridge.

The Planning Contributions Officer was of the view that the bridge was intended to be used as a shared facility with segregation provided by a delineating white line. He confirmed that aspirations had existed for a number of years to widen the footway and that any improvements to facilities for cyclists were to be welcomed. He explained the need to provide alternatives to the roundabouts at either end of Balkerne Hill as these

were considered to be unsafe other than for very experienced cyclists and he was of the view that alternative solutions involving a separate bridge was likely to require considerable additional engineering work. In addition, he was not aware of any Health and Safety reasons to challenge the suitability of a three metre width shared bridge facility.

A number of Committee members voiced their concerns regarding the proposed width of the bridge, its intended design in relation to how access would be adequately shared between pedestrians and cyclists. Further assurances were sought regarding the safety implications of a shared facility on a bridge and whether the proposed three metre width was adequate given the restriction provided by the retaining barriers.

Other Committee members were of the view that the current arrangement, which allowed for an ebb and flow of pedestrians and cyclists, seemed to work very adequately. Reference was made to the lack of direct linkage to designated cycle paths and whether alternative options for a cycle crossing had been considered such as the underpass at Crouch Street or a separate bridge across Balkerne Hill designated for cyclists only.

The Major Developments and Planning Projects Manager confirmed that three metre width shared facilities were not uncommon and that the proposal would provide a missing link to one of the significant cycle routes in the town centre.

*RESOLVED* (UNANIMOUSLY) that consideration of the planning application be deferred for further clarification / investigation in relation to;

- (a) Details of relevant cycle routes in the vicinity of the bridge;
  - (b) Removal of Traffic Regulation Orders from the existing bridge and from the nearby pedestrian underpasses to allow use by cyclists and/or the provision of alternative solutions;
  - (c) Need for white line separation of cyclists and pedestrians to segregate users;
  - (d) Implications of a separate second bridge alongside the existing footbridge, dedicated for use by cyclists;
  - (e) Details of a safety assessment of the proposal with particular regard to a shared provision in the context of a three metre wide elevated bridge;
- and for the outcome to be reported back to the Committee in due course for further consideration.

### **321 160687 Waitrose Food Store, St Andrews Avenue, Colchester**

The Committee considered an application for the variation of condition 15 (permitted delivery times) of planning permission 080900 (Use of existing retail premises as a food store including ancillary coffee shop and customer toilets together with works of refurbishment and associated alterations, reconfiguration of car park and service arrangements, reconstruction of retaining wall and erection of new delivery bay,

entrance lobby and mezzanine) at Waitrose Food Store, St Andrew's Avenue, Colchester. The application had been referred to the Committee because it was a major application which had been subject to an objection. 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.

**322 160379 Clarendon Way, Colchester**

The Committee considered an application to remove / vary conditions 2 and 17 of planning permission 145356 (erection of 18 residential apartments, access and car parking) at Clarendon Way, Colchester. The application had been considered by the Committee at its meeting on 28 April and had been deferred for further discussions in relation to parking provision, a landscape scheme and the provision of charging points for low emission vehicles. The Committee had before it a report and an amendment sheet in which all the information was set out.

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

**323 160502 Town Hall, High Street, Colchester**

The Committee considered an application for the installation of a new bench on raised platform in front of the existing bench in the Council Chamber at the Town Hall, High Street, Colchester, including new access ramp to provide wheelchair access and associated re-positioning of adjacent fixed seating and benches, the works to be fully reversible so that the Chamber can be returned to its existing configuration. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report and amendment sheet in which all the information was set out.

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

**324 161060 Holly Cottage, Straight Road, Boxted**

The Committee considered an application for the replacement of three window frames at Holly Cottage, Straight Road, Boxted, Colchester. The application had been referred to the Committee because the applicant was a Borough Councillor. 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.

### **325 Changes to Scheme of Delegation**

The Committee considered a report from the Head of Professional Services concerning a change to the Scheme of Delegation to Officers to transfer the powers related to Tree Preservation Orders back to Professional Services after some internal staff changes. It was confirmed that the actual powers remained unchanged. The Committee had before it a report in which all information was set out. Andrew Tyrrell, Planning Manager, attended to present the report and assist the Committee.

*RESOLVED* (UNANIMOUSLY) that the Scheme of Delegation be amended as set out in paragraphs 5.1 of the Head of Professional Services' report.