

**PLANNING COMMITTEE
27 SEPTEMBER 2012**

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman,
Peter Chillingworth*, John Elliott*, Stephen Ford,
Sonia Lewis*, Cyril Liddy*, Jackie Maclean,
Jon Manning, Nigel Offen*, Philip Oxford and
Laura Sykes*

Substitute Member :- Councillor Barrie Cook for Councillor Helen Chuah*

(* Committee members who attended the formal site visit.)

45. Minutes

The minutes of the meeting held on 13 September 2012 were confirmed as a correct record.

46. 121290 Colnebank House, 30 St Peter's Street, Colchester, CO1 1GR

The Committee considered an application for the erection of a 3.5 storey hotel including a bar, restaurant, ancillary car parking, landscaping and access. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Mark Russell, Principal Planning Officer, and Andrew Tyrrell, Planning Manager, attended to assist the Committee in its deliberations. The planning officer referred to previous industrial uses, significant views towards the site and other recent developments in St Peter's Street. He also referred to the previous proposal in 2009 which had been refused on design grounds. This development would comprise a mix of style but in general terms it was considered to be a high quality design.

Dimitri Murray addressed the Committee on behalf of the Dutch Quarter Association pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the overwhelming opposition to this development and it appeared that little weight had been given to their concerns. He considered the design to be mediocre which went against advice from English Heritage. The building was effectively five storeys. This was an important area and the mistakes of the 60s and 70s should not be compounded. The parking provision was inadequate and had been based on other Premier Inns which was unacceptable. He believed that Use Class C1, Hotels, should have one space per bedroom; the Dutch Quarter would not be able to cope with the extra traffic.

Stephen Brooker, representing the agent, addressed the Committee pursuant to the

provisions of Planning Committee Procedure Rule 8 in support of the application. Premier Inn had reduced the number of rooms and changed the design. The previous refusal was on the grounds of design and scale rather than parking and traffic but, in recognition of residents' previous and current concerns, there was a higher ratio of parking to rooms than in the previous application. There would be thirty jobs available at the hotel. The Government wanted new hotels in town centres and no other site was acceptable to the company. The hotel would be a much better neighbour than other uses of this commercial site. In the current climate visitors are aware that they should check the parking situation in advance. A cycle loan scheme had been requested by officers which they would accept, and Colchester would lead the way on such a scheme.

In response to Mr Murray's comments the planning officer commented that their responses to the objections in planning terms were set out in the report and that residents' objections had been taken into consideration. He confirmed that the Design and Access statement did not appear immediately on the website but was available two to three weeks later and was available for a total of six weeks. It was considered that this proposal was an improvement in the Dutch Quarter and not at all similar to buildings nearby. One space per bedroom was the maximum parking standard, however this was an edge of town centre site where a relaxation of the policy was acceptable. He reminded the committee that the previous application was refused on design grounds by officers.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He referred to the Dutch Quarter having suffered from heavy goods vehicles as well as other traffic and parking and considered the policy of a maximum parking standard within the site to be ludicrous. The impact would be felt in the evening and at night as well as during the day. The report indicated that the street comprised largely of commercial premises whereas it was primarily a residential area.

Councillor Hayes attended and, with the consent of the Chairman, addressed the Committee. She referred to the original and updated Humberts reports, the original report having been written at the height of the consumption and leisure boom whereas the updated version had reflected the downturn in the economic situation. This site was outside the defined town centre area in the Site Allocations proposals map and she believed that it was inappropriate to use this site at this time because there were other sites available within the town centre, known as the sequential test. It appeared that some residents had not been notified and she wanted the notification regime to be improved. She was aware of a high number of large lorries entering the Dutch Quarter possibly every day, and considered that there was a need to mitigate against possible air pollution.

The planning officer reiterated that the parking provision for hotels was a standard policy document and if they wished members could ask the policy team for a review.

He accepted that in spite of a sign, large vehicles did travel to the end of St Peter's Street. He was aware of six parking spaces in St Peter's Street available during the day and of two lengths of road available during the evening which provided between ten and fifteen spaces. He had noted six spaces free at 8.30pm the previous day. However, it was likely that residents would be in competition with hotel guests for those parking

spaces. It was acknowledged that St Peter's Street was largely residential with commercial sites towards the Middle Mill end. In terms of the sequential test, it was noted that the Queen Street site had not yet been taken up but there was some interest and thus the site had not been available to the applicant at this time. The Design and Access Statement and Flood Risk Assessment had been on the website for some time. An Air Quality Assessment had been requested and the Council's Environmental Control Team were satisfied with the statement. Officers considered the proposal was a sympathetic design. He stated that all relevant neighbours had been consulted and site notices had been posted.

Members of the Committee raised a number of queries and comments:- the Design and Access Statement was not on the website until the last day of consultation so there was no time to respond to it within the deadline; residents may not have been aware that comments were being accepted after the deadline. A query about the restaurant facility being solely for residents or the public as well. Local parking could cause some nuisance to residents. How the height of the building compared with an adjacent building. Whether changes to traffic in the High Street would affect St Peter's Street and if so had they been taken into account by the Highway Authority. Whether it was possible to condition times of deliveries and number of deliveries per day, week or month, and whether it would be possible for the Council to give the hotel a general concession for guests to park in nearby council run car parks. The site currently benefitted from an industrial use, possibly with no restrictions on the number of lorry movements.

The planning manager responded that comments on the Design and Access Statement had been accepted right up to the present time. The finished drawings were available before 17 August and people could comment on the design so the late publishing of Design and Access Statement was not prejudicial to their ability to see what was being proposed and to comment upon the impacts of the proposal. However, if members had reservations about that they could defer the application to allow further time for comment. The planning officer explained that there would be no riverside access to the site. It was not possible to enforce a condition on the number of delivery movements but there was a suggested condition to restrict the hours of deliveries. He recognised that there could be a parking problem, but did not think it would be too acute. The site had had industrial use for a considerable length of time and it would be unusual if there were any conditions restricting lorry deliveries.

Members of the Committee acknowledged that local residents were very concerned. There was a view that this application represented an opportunity to improve the environment in the area; something better would improve the unpleasant area at the end of St Peter's Street. The design was acceptable and much improved for the purpose. The building was sufficiently far away that it would not impinge on the amenity of neighbours, although it was recognised that some would have a change in their view. Any alternative to the existing building would have a traffic impact, and initial reactions were that there was insufficient parking. However, the Government was trying to encourage hotels in town centres and a lot of parking on any such site would not be possible. Around this site there were opportunities for alternative parking, including private rental sites; the on site parking was within the Council's policy. The development could provide an amenity for residents with a small cafe/bar overlooking

the river.

In response to a query regarding possible reasons to refuse the application which would stand up to an appeal, the planning officer was unable to suggest any reasons because it would be contrary to his recommendation.

RESOLVED (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred for completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 to provide the following items:-

- Travel Plan and fee
- Litter bin with a cigarette stub at the top to be provided (and maintenance)
- Cycle loan scheme (by condition rather than by Section 106)
- CCTV – purchase and maintenance of a new closed circuit television to be used in the vicinity for the Application Site which shall be linked to a central CCTV network , to include a contribution for monitoring purposes.

(b) Upon receipt of a satisfactory Legal Agreement, the Head of Environmental and Protective Services be authorised to grant planning permission with conditions and informatives as set out in the report and on the Amendment Sheet.