

# **Planning Committee**

## **Thursday, 17 November 2016**

**Attendees:** Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Rosalind Scott

**Substitutes:** Councillor Karen Chaplin (for Councillor Lyn Barton), Councillor Phil Coleman (for Councillor Theresa Higgins)

### **407 Site Visits**

Councillors Chuah, Hazell, Jarvis, Liddy, Loveland, J. Maclean attended the site visits.

### **408 Minutes of 20 October 2016**

The minutes of the meeting held on 20 October were confirmed as a correct record.

### **409 Minutes of 3 November 2016**

The minutes of the meeting held on 20 October were confirmed as a correct record.

### **410 160623 Land at Cuckoo Farm West, Off United Way and Via Urbis Romanae, Colchester**

The Committee considered a reserved matters application following outline planning permission O/COL/01/1622 for the erection of Use Class A3 restaurant units (10,400sq m), erection of Use Class C1 hotel (80 beds), provision of a landscaped piazza and associated landscaped areas, erection of an ancillary multi-storey car park and the provision of separate drop off/parking areas on land at Cuckoo Farm West, off United Way and Via Urbis Romanae, Colchester. The application had been referred to the Committee because it was a major reserved matters application that had given rise to material planning objections. The Committee had before it a report and 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.

Bradly Heffer, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Developments and Projects Manager and Martin Mason, Essex County Council Strategic Development Engineer, assisted the Committee in its deliberations. He

explained that a further representation had been received from the owners of the Odeon Cinema, however, the proposals for an out of town cinema were part of a separate application to be considered by the Committee at a subsequent meeting. He further explained that Cushman and Wakefield Consultants were of the opinion that the two applications should be considered together but the Council had also been advised that there was no reason not to bring forward the applications separately. He also confirmed that members of the Committee had each received a letter from the applicants, Turnstone Estates.

Alistair Ingram, on behalf of the Barton Willmore for the Tollgate Partnership, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was of the view that the application was not complete and therefore was not viable for the Committee to give consideration to it. He was aware that there was an aspiration to include a cinema within the site and, as such, the proposal was incomplete. Given the fact that outline permission had been granted 10 years previously, it would be logical for the Committee to take a view on the undeveloped area in the middle of the site. He did not consider the scheme to be currently acceptable in anticipation of a wider application and urged the Committee not to approve it.

Chris Goldsmith on behalf of Turnstone Estates, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He provided background context to the reserved matters application to develop a new Quarter in Colchester. He was of the view that the application was the start of an exciting process which would secure a hotel, leisure, parking, open space and he was confident that an out of town cinema would be incorporated later. He confirmed that the proposals were ambitious and the elegant buildings proposed would set Colchester apart. He highlighted the location of the car parking spaces behind the buildings and the inclusion of proper public realm spaces which were of real quality and distinctive. He confirmed that retail was not part of the vision for the site which was intended to deliver an exciting leisure development for the town.

Whilst some members of the Committee questioned the consideration of the application without the inclusion of the cinema proposals, the quality and sustainability of the designs were generally welcomed. Further clarification was sought in relation to the potential impact on existing traffic congestion, the free flow of traffic in the area generally, access from the A12 at junction 28 and in relation to the provision of a pedestrian access from the site to the opposite side of United Way.

In response to comments raised, the Principal Planning Officer reiterated that there was no reason not to consider this application ahead of the application for a cinema and that the proposals did not include retail development. He also confirmed the cycle path proposals included provision for lighting along its entire route, the car park would consist of three storeys and a condition had been proposed to protect the use class allocation of

buildings on the site.

The Strategic Development Engineer confirmed that the Highway Authority was satisfied with the car parking arrangements for the site as well as the relationship with junction 28 to the A12. In addition Highways England had raised no objections in its capacity as responsible authority for trunk roads. He explained that negotiations were continuing with the applicant in relation to the package of highway improvements for the area however these would not be concluded until the full application was presented to the Committee. He acknowledged the benefit for pedestrians of providing a crossing at United Way but explained that all road users needed to be considered and the introduction of a crossing would require a full assessment in order to ensure highway safety criteria were met. He also confirmed that the highway authority were working closely with the local police to resolve the problems associated with on street parking in the area and it was likely that appropriate traffic regulation orders would need to be considered for this development to prevent similar parking issues. He went on to explain that parking accumulation studies had been submitted with the application to assess peak demand for parking together with experience obtained from developments elsewhere and an informed understanding of what works well in practice.

Members of the Committee welcomed the clarification provided about the highway issues but were of the very strong view that the proposal required the provision of a safe means of crossing United Way by pedestrians.

The Major Developments and Projects Manager acknowledged the concerns expressed by the members of the Committee in relation to pedestrian access across United Way and confirmed that it would therefore be appropriate to seek the positive consideration of the provision of a crossing or traffic calming measures to achieve a satisfactory means to deliver this. He also confirmed that, whilst the Section 106 contributions from the developer had already been agreed and could not therefore be amended, the enhanced pedestrian access would be subject to a Section 278 Highways Agreement at the cost of the developer.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and the amendment sheet and an additional condition requiring details of a pedestrian crossing of United Way to be agreed prior to commencement and implemented prior to initial beneficial occupation of the development.

**411      162432      Eastwood Service Station, Ipswich Road, Colchester**

The Committee considered an application for the installation of advertisements at Eastwood Service Station, Ipswich Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Gerard Oxford. The Committee had before it a report and amendment sheet of the 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.

James Ryan, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Developments and Projects Manager, assisted the Committee in its deliberations.

Douglas Fleming addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that the public amenity of the neighbourhood and the previous comments of a Planning Inspector had been disregarded. He was of the view that public safety requirements had been overlooked, was concerned that illuminated price signs were being added which hadn't been included before and he referred to enforcement action which had been taken to remove illegal signs in the past. He considered that the advertisements, which would be a permanent feature for residents, would be very prominent without the need for illumination. He was also disappointed that this was the fourth application which had been submitted in close succession which was becoming difficult to cope with. Mr Fleming also submitted a petition opposing the application for signage at the site and requesting the Committee to refuse the application.

Hannah Thomas-Davies addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that this application for signage was one which followed from the recent grant of planning permission for the site. She was grateful that the officer had recommended the proposals for approval as this had followed detailed working up of a design scheme with residents being fully consulted and meetings arranged to discuss matters of concern. These had prompted revisions to the designs in response to residents' comments such as the removal of a flank wall and canopy signage designed without illumination. In addition, the totem sign had been amended so that it was only partially illuminated to protect the visual amenity of residents. She further commented that the Highway Authority had raised no objections in relation to safety.

The Principal Planning Officer acknowledged that the objectors were not happy with the proposals but many other filling stations had been granted permission for much greater illumination, as such, the application was not considered to be visually harmful and was a reasonable one. He also confirmed that it was not possible for signage to form part of general planning applications and, as such, had to be submitted as a separate application in its own right.

One member of the Committee sought clarification regarding the recent removal of trees at the site and the extent of illumination in this restricted location. Members of the Committee were of the view that the application accorded with all necessary planning policies.

Other members of the Committee considered that the applicants had been respectful of

the local residents in that the illumination elements of the application had been reduced and were only in operation whilst the filling station was trading and the site had been cleaned up considerably

RESOLVED (SEVEN voted FOR, ONE voted AGAINST and TWO ABSTAINED) that the application be approved subject to the conditions set out in the report and the amendment sheet.

**412      162426 7 Gunfleet Close, West Mersea, Colchester**

The Committee considered an application for a single storey extension to the front of the house, resubmission of 161426 at 7 Gunfleet Close, West Mersea, Colchester. The application had been referred to the Committee because the applicant was a member of staff. 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.

**413      Tree Preservation Order - Lisle Road / Hyderabad Close / Brigade Close, Colchester**

The Committee considered a report by the Head of Commercial Services giving details of a Tree Preservation Order to protect six Copper Beech, four Beech, seven Norway Maple and one Sycamore within the rear gardens of Hyderabad Close and Brigade Grove, Colchester and within the public open space between the two roads and previously marked the boundary of Hyderabad Barracks. The application had been referred to the Committee because an objection had been received regarding the confirmation of the Order.

Liam McKarry, Arboricultural Officer, presented the report and assisted members in their discussions. He explained that the trees were thought to be over 100 years old, formed a pleasant back drop to the new development adding age, differing texture and colour to the development now in place and provided a pleasant screen between Lisle Road and the new development. Some of the trees individually were of limited value but, given their age and size, were considered to be of high value as a group.

Gary McMurray addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the recommendation in the report. He explained that he was making representations on behalf of his daughter and son in law whose garden contained one of the trees the subject of the Tree Preservation Order. He explained that the inclusion of the tree in his family's back garden had caused them considerable concern, referring to an enquiry made in 2014 by his family members to the Council about the status of the tree. He alleged that they had been informed at that time

that it would be possible for the tree to be removed. He considered the inclusion of the tree in the Tree Preservation Order was a subjective decision as individually the tree had little value and it was not possible to get an adequate view of it from outside the garden. He explained that the tree totally dominated the garden in which it was growing and, on behalf of his family, he sought its removal from the Order being proposed.

The Arboricultural Officer confirmed that the Tree Preservation Order had been made and served correctly and in accordance with the legislation. He considered that there were numerous points from which most of the trees included in the proposed Order could be observed and reiterated their value in terms of age and screening. He confirmed that the existence of a Tree Preservation Order would not prevent future management of the trees, particularly in circumstances when they may become dangerous.

Members of the Committee considered it was desirable to protect trees so far as was possible, particularly those which were old and long established and were of the view that the trees, as a group, enhanced the character of the area

RESOLVED (UNANIMOUSLY) that Tree Preservation Order No 02/16 be confirmed.