

PLANNING COMMITTEE 13 FEBRUARY 2014

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Peter Chillingworth*, Sonia Lewis*,
Cyril Liddy*, Jackie Maclean, Jon Manning,
Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Colin Mudie for Councillor Helen Chuah
Councillor Julie Young for Councillor Stephen Ford

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

111. Minutes

The minutes of the meetings held on 16 January 2014 and 30 January 2014, subject to the removal of Councillor Manning from the list of attendees, were confirmed as a correct record.

112. 132031 - 2 Portland Road, Colchester

The Committee considered an application for the change of use of 2 Portland Road, Colchester from doctor's surgery to single residential dwelling. 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.

113. 131538 - Hunters Rough, 18 Chitts Hill, Colchester

Councillor Chillingworth (in respect of his membership of the Campaign to Protect Rural Essex) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of two residential units at Hunters Rough, 18 Chitts Hill and the erection of 16 detached dwellings, garages and an access road. The Committee had before it a report and amendment sheet in which all the information was set out.

Mr David Whybrow, Principal Planning Officer, presented the report and amendment sheet and assisted the Committee in its deliberations. Mr Andrew Tyrell, Planning Manager, also assisted the Committee in its deliberations.

Mr Harvey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He highlighted the special character of Chitts Hill, which would be negatively impacted by the proposed development. Mr Harvey suggested that an increase in housing by 50% was

unacceptable and would result in a loss of amenity for the entire area. He emphasised the loss of green space, trees and hedges and believed that the felling of such was unnecessary. Mr Harvey went on to consider the additional noise created from the site, not background noise, but specific noise associated with additional households. He believed the development added nothing to the community and urged the committee to refuse the application.

Mr Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site fell within the village boundary and was considered a 'wind fall' site. The development, he claimed, was sustainable and should therefore attract the presumption of development under the National Planning Policy Framework. Mr Pomery emphasised to the Committee that no objection had been raised from the Highways Authority and that a full tree survey and acoustic assessment had been carried out, neither of which caused any concern. He understood that the proposal would not be welcomed by everyone but stressed that careful consideration had gone into the application.

A Member of the Committee asked for clarification regarding the status of highway maintenance in relation to flooding and over hanging vegetation. The Principal Planning Officer explained that such maintenance was already being managed by the Highway Authority. However, as an existing problem, it had no bearing on the proposed development.

The Committee were pleased to hear that officers were in discussion with the Highway Authority. Several Members, however, requested to be made aware of such discussions in the future as they would have liked to have put forward the idea of a slow sign and a 20 mph restriction.

It was requested by the Committee that the original entrances to the Hunters Rough site be blocked off. It was further suggested that any hard surfacing be made from permeable materials. The Committee discussed the noise levels expected from the proposal. It was noted that there would be several gardens as a buffer between the proposed developments and the A12 and, as such, it was considered that acoustic fencing would be unnecessary. It was understood that dwellings would be fitted with double or triple glazed windows where appropriate.

The Committee questioned the size of the garages proposed on the site and further questioned whether the future development of garages into extra living space could be restricted. The Principal Planning Officer advised that permitted development rights had been removed within the proposal and suggested that conditions could be amended to cater for such further restrictions.

The Committee were concerned about the parking of contractor vehicles on the road and requested that an additional condition be agreed to deal with this potential problem. Discussion was had regarding the nature of any street lighting on the development and how this should be LED lighting. The Principal Planning Officer advised that this would be a matter for the Highway Authority, but the request would be passed on.

Several Members of the Committee expressed a desire to have £88,000 of the funding from the Section 106 Legal Agreement allocated to education. The Principal Planning Officer and Planning Manager advised that the Committee was entitled to alter the Section 106 Agreement requirements if they wished to and a strong case for education contributions had been put forward, however the matter had been considered in great detail by the Corporate Development Team and it was concluded by them that, in line with Council priorities, the funding would be most appropriately allocated towards affordable housing.

RESOLVED (EIGHT voted FOR, TWO voted AGAINST) that –

(a) subject to the completion of the Section 106 Legal Agreement within six months of the date of the Committee meeting to provide to following –

- Index-linked contribution towards off-site affordable housing provision as indicated in the report.

authority be delegated to the Head of Commercial Services to approve the application, subject to the conditions set out in the report, amendment sheet and –

- conditions 14 and 15 to be reworded to retain the parking spaces for parking,
- an additional condition to cover off-road parking of contractors vehicles, and
- an additional condition to cover the blocking off and satisfactory maintenance of the old access land.

(b) In the event that the Section 106 Legal Agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the application.

114. 131463 - Proposed Footbridge, Cowdray Avenue / Castle Park, Colchester

The Committee considered an application to construct a new foot / cycle bridge over the River Colne in Castle Park and the demolition of the existing footbridge located 10 metres west of the proposed bridge. The Committee had before it a report and amendment sheet in which all the information was set out.

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

Mr Graham Carrington, of the Riverside Residents' Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that residents were regular users of the bridge and that the river was the only obstacle restricting a through road to the residential area. Mr Carrington believed that the proposal was inappropriate as there had been no assurance that a highway would not follow the introduction of the bridge. He also suggested that no proper consultation had been carried out and that a large

bridge would encourage cyclist to travel faster, thus decreasing safety. Mr Carrington believed that the public's money could be better spent on a facility that was more greatly needed.

Mr Paul Avison, of the Colchester Cycling Campaign, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He believed that the current bridge was inadequate and created obstacles for pedestrians and cyclist, especially those with pushchairs. He suggested this conflict needed to be minimised. The cycle way in question was of great national and international importance and any improvements made to it would bring significant benefits. Mr Avison believed the new bridge would reduce conflict and encourage more people to take up cycling.

Councillor Barlow attended and, with the consent of the Chairman, addressed the Committee. He suggested that the Riverside Residents' Association should have been consulted. He believed that the barriers included in the application, along the river, were inappropriate and not in keeping with the area. Councillor Barlow requested clarification on what type of bollards would be used to restrict traffic and how secure they would be. He further suggested that a condition be added to allow vehicle use of the bridge for specific services only, as this would alleviate residents' concern.

The Planning Officer explained that surrounding paths would have to undergo significant works to become a vehicular highway. The Parks and Recreation Team were keen to retain access control of the bridge and would only use the access themselves in specific situations. He was hesitant to recommend a condition that was too restrictive, as emergency use may be required. He clarified that the barriers running alongside the river were subject to the Council's acceptance and would be short in length.

The Planning Officer apologised for not initially consulting the Riverside Residents' Association, however, he believed that all their comments had been taken on board.

The Committee discussed the nature of the funding for this proposal. Several other projects had been identified which, a Member of the Committee believed, were more in need. The Planning Officer clarified that the funding for the development came from a Section 106 Legal Agreement from a development in Cowdray Avenue, which required local investment.

A Member of the Committee expressed concern about the replacement of the two trees to be felled and requested that these be replaced by mature trees.

RESOLVED (NINE voted FOR, ONE ABSTAINED from voting) that the application be approved, subject to the conditions set out in the report and an additional condition concerning details of bollards to restrict vehicle use of the bridge.