

Planning Committee

Thursday, 25 July 2019

Attendees: Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Martyn Warnes

Substitutes: No substitutes were recorded at the meeting

Also Present:

724 Site Visits

No site visits were undertaken in advance of the meeting. A Committee site visit in respect of application 172409 Land West of Chitts Hill had been undertaken before the meeting on 4 July 2019.

725 172049 Land West of Chitts Hill, Stanway, Colchester

The Committee resumed consideration of an application for the development of the site to provide 100 dwelling houses (Class C3) with access from Chitts Hill, associated on site infrastructure, open space, landscaping and parking. The application had been considered at the meeting on 4 July 2019, when the Committee had invoked the Deferral and Recommendation Overturn Procedure for further advice from officers on the risks of a refusal of the application on the grounds of the impact of the proposal on highway safety and non-conformity with the current Local Plan.

The Committee had before it a report in which all the information was set out, together with further information on the Amendment Sheet.

The Committee undertook a site visit before the meeting on 4 July 2019 in order to assess the impact of the proposal on the locality and the suitability of the proposal for the site.

Lucy Mondon, Principal Planning Officer, presented the report and, together with Simon Cairns, Development Manager, and Karen Syrett, Planning and Housing Manager, assisted the Committee in its deliberations. It was reported that the applicant had submitted revised drawings showing a proposed revision to move the site access approximately 17 metres further south. This meant that, if approved, the entrance to the site was now 87 metres from the level crossing. The applicant's transport consultant had advised that this reduced the likelihood of interaction between the site access and

potential queues from the level crossing. Clear highway markings, such as dragons' teeth and a keep clear box were also proposed. It remained the case that there were no objections from Highways England or the Highways Authority.

Paragraph 109 of the National Planning Policy Framework (NPPF) stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the cumulative impact on the network would be severe. There was no evidence that there would be an unacceptable impact on highway safety, or that the cumulative impact would be severe.

Network Rail had now commented and had confirmed that there were no objections to the development. They had indicated that the proposed new layout with the revised access was their preferred option. The applicant had also supplied comparative information of sites where there was development in close proximity to railway crossings, such as the crossings at East Gates, Great Bentley and Ardleigh.

Martin Mason, Essex County Council Highways, also attended and addressed the Committee and explained that he had reviewed the plans and was content that there was adequate visibility at the junction and that whilst there would be some impact on the highway network, this would not be classed as severe.

Whilst the new layout had been submitted informally, it was open to the Committee, if it was minded to approve the application, to approve on the basis of the new layout and give officers delegated authority to consult on the revised plans.

In terms of the issues around conformity with the Local Plan, it was considered that the Emerging Local Plan was at an advanced stage as it was currently being examined and therefore significant weight could be afforded to it. It was not for the Planning Committee to second guess the outcome of the examination. There were no unresolved objections to the allocation of the site in the Emerging Local Plan and there was a high degree of consistency with local policies and with the policies in the NPPF. If the application were to be approved, the dwellings would be confirmed within the housing supply and would put the Council in a stronger position in being able to demonstrate a five-year supply of housing.

Whilst a potential reason for refusal had been identified around the failure to include a legally binding mechanism to secure the necessary section 106 contributions, the first draft of the agreement had been produced. The Committee could also safeguard the position by requesting that the application be referred to the Committee should the terms of the agreement change.

In discussion, members of the Committee were pleased to note the proposed revised access to the development, which significantly eased concerns about the impact of the development on highway safety. However, members stressed that it was important that any approval be on the basis of the revised plans. Some concern was also expressed

about light pollution from cars leaving the site on the house opposite the junction and accessibility to public transport from the northern part of the site. It was explained that the access was opposite the boundary treatment, so light from cars leaving the site would not harm the amenity of properties on Chitts Hill. There were bus stops on Halstead Road and King Coel Road and the Highways Authority had suggested some improvements to the access to these.

Following the conclusion of the debate, Councillor Jarvis withdrew his proposal that the application be refused. A motion to accept the officer recommendation, subject to a consultation based on revised access proposals, was then proposed and seconded.

RESOLVED (SEVEN voted FOR| and ONE ABSTAINED from voting) that:-

- (a) Authority be delegated to officers to reconsult on the revised access proposals;
- (b) Subject to the revised access proposals being acceptable, the application be approved subject to:
 - Agreement of pre-commencement conditions with the applicant as per the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 and authority be delegated to officers to revise those conditions as necessary in accordance with the regulations;
 - The signing of a legal agreement under section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within six months, to delegate authority to the Assistant Director to refuse the applications or otherwise to be authorised to complete the agreement.
 - The conditions set out in the Planning Committee report of 25 July 2019.

726 182869 Colchester Museum, Former Museum Resource Centre, 14 Ryegate Road, Colchester

Councillor J. Maclean (in respect of her business being in a commercial relationship with Crittal Windows) declared a disclosable pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

The Committee considered an application for the conversion of the building from Class D1 (Museum) to residential use (Class C3) for nine apartments, with associated demolition works, internal and external alterations, car/cycle parking, bin storage areas and infrastructure works.

The Committee had before it a report in which all the information was set out, together with further information on the Amendment Sheet.

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

Sir Bob Russell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He thanked officers and the applicant for bringing the application forward. The building had almost been lost 45 years ago as part of the improvement of the Dutch Quarter, but he had campaigned for its retention in view of its historic significance and its visual impact. The windows, which were constructed and installed by a local firm Crittal, were of significance in themselves. The building was on the Local List and the application would ensure its retention. Concern was expressed that if the building had not been owned by the Council, it would have been determined under delegated powers, as he felt that such decisions needed to be taken by elected members.

The Committee indicated that the application was welcomed as it secured the retention of a building of historic significance. The Committee were also pleased that its listing on the Local List was being respected. A member of the Committee enquired as to how the building would be insulated in order to maintain the integrity of the Crittal windows. The Senior Planning Manager and the Development Manager explained that this would be a matter considered as part of building regulations. It could be achieved either through secondary glazing or through consideration of the overall fabric of the building to ensure compliance with building regulations. It was suggested that condition 10 be amended to cover details of any alterations to internal windows.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the receipt of the RAMS payment and subject to the conditions and informatives set out in the report, with condition 10 amended to cover details of any alterations to internal windows.

727 Funding for the Rowhedge Trail

The Committee considered a report from the Assistant Director Policy and Corporate seeking approval to amend the wording of a section 106 agreement to allow a financial contribution to be used to fund improvement to the whole of the Rowhedge Trail and not just the part along footpath 27.

RESOLVED (UNANIMOUSLY) that the wording of the section 106 agreement from application 144684 be amended to allow a financial contribution to be used to fund improvement to the whole of the Rowhedge Trail and not just the part along footpath 27.