

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
29 April 2010 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

10. Amendment Sheet

112 - 120

See Amendment Sheet attached.

AMENDMENT SHEET

Planning Committee
29 April 2009

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 091357 – Avon Way House, Avon Way, Colchester

Members are advised that the report submitted to Committee omitted an element to be secured via a S106 Agreement, specifically in relation to a pro rata leisure contribution (based on the number of bedrooms being created).

The recommendation is therefore amended as follows:

Recommendation

- (A) That the application is deferred in order that a Section 106 Agreement may be secured, which includes the following elements:-
- The pedestrian/cycle links from the site to the cycle and footpath network at the south of the site.
 - A pro rata contribution of £29,914 towards leisure facilities as required by adopted Council SPD.
- (B) Upon satisfactory completion of the agreement as described above, the Head of Environmental and Protective Services be authorised to issue a planning permission for the submitted development, subject to the following conditions:-

Members are advised that the following S106 element must also be added as it was included following Members consideration of the initial application on this site (ref 090498):

- **an additional clause relating to a restrictive covenant within tenancy agreements with respect to vehicle ownership in the event of demand for parking spaces exceeding supply.**

Members' attention is drawn to the fact that Paragraph 6.3 of the Officer's report refers to representations received from the developer in response to comments made from Bob Russell MP and Ward Councillors. Unfortunately these were omitted from the agenda but are attached for Members' information.

- 7.2 091662 - University of Essex, Wivenhoe Park, Colchester
- 7.3 091663 - University of Essex, Wivenhoe Park, Colchester
- 7.4 091664 - University of Essex, Wivenhoe Park, Colchester

Members are advised that the wording of condition no.12 attached to the grant of planning permission is amended as follows:

‘Prior to their installation on site details of all lighting columns and fixtures/fittings to serve the roads, pathways and cycleways shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be carried out within an agreed timescale and to the satisfaction of the Local Planning Authority and retained as such thereafter.

Reason: In order to ensure a satisfactory form of development in the interests of visual amenity and to protect the amenity of local residential property from the impacts of light pollution.’

The reason for the change is that if Members agree with the recommendation it is intended that the works would commence promptly and the details of the lamp columns have not been established at this time. The details would still be agreed with the Council, but the submission and formal approval of these details could occur after the commencement of works.

- 7.5 **072523 – The Old Oyster Sheds, Coast Road, West Mersea**
- 7.6 **072522 – The Old Oyster Sheds, Coast Road, West Mersea**
- 7.7 **071786 – The Old Oyster Sheds, Coast Road, West Mersea**

Applications withdrawn by Head of Environmental and Protective Services in order to carry out consultations with Marine management Organisation regarding development above high water mark.

- 7.8 **081778 – Essex County Hospital, Lexden Road, Colchester**

Reworded Condition 06:

The development hereby permitted shall comply with drawing 001A (with the exclusion of Area 2) dated 8th April, received 9th April 2010, and with drawing 001B (with the exclusion of Area 1), dated 22nd April 2010, received 23rd April 2010.

Reason: In the interests of the visual amenity of this Conservation Area.

Reworded Condition 10:

Prior to the commencement of development the applicants shall provide a drawing showing satisfactory elevations to both entrances 1 and 2 as advised in the above condition 6.

Reason: For avoidance of doubt as to the scope of this permission, and In the interests of the visual amenity of this Conservation Area.

7.9 081938 – 3 Priory Street, Colchester

Condition 10 should now read:

“The permission hereby approved shall comply with additional drawings “Proposed section through fence to garden area”, undated, received 27th April 2010”, “proposed layout 1:200” and “proposed pagoda to provide screening of coffin”, received 18th January 2010.

Reason: For avoidance of doubt as to the scope of this permission.”

Additional condition 11:

The planted area to the rear of 3a Priory Street shall be accessed solely through the proposed gate, and solely for reasons of maintenance and shall not be accessed for this or any other reason during times of silent prayer, eid prayer or during any other time of worship. At all times when this area is not being maintained, the gate shall remain locked shut.

Reason: The integrity of the planted area is essential to the continuing residential amenity of neighbouring properties, and without this the proposal at hand would not be acceptable.

Councillor Barlow comments as follows:-

“I am still concerned about this application, not because of the nature of it, but because of the precedent it sets. The area in question is supposed to be a residential garden within a Conservation Area, and I feel that allowing it to become a place where public gatherings can take place will establish a principle that could threaten many other open spaces. I fear that granting permission to use this space in this manner will be used as an argument in the future to argue for other changes of use of residential space, and I believe the Committee needs to be aware of those consequences.

However, if the Committee is minded to grant this application, I would request that they consider the question of whether this should be a temporary permission to allow the situation to be reviewed in the future.”

7.10 100244 – 18 Victory Road, West Mersea

The report makes reference to No 16 Victory Road. In all cases this should read No.14 Victory Road.

Paragraph 1.3 - Delete Condition 02 and replace with Condition 04.

7.11 100358 – Henrys Villas, 4 Nayland Road, Colchester

A late objection has been received from the occupier of No 1 Littlecotes, the contents of which are copied as follows.

“We wish to object to the above application. You may consider that this objection comes "after the event" but this is our point. The planning application should be a retrospective application. It is very clear that since the beginning of the year the property in question has been built to the specifications laid down in these "new" plans - this makes a complete mockery of the planning legislation and your duty of care to surrounding residents. I pointed out to yourselves sometime ago that the approved plans were not being followed and indeed you visited the site. How you can allow a building project to continue when it is very clear that it is in contravention to the approved plans we simply fail to understand.

This whole development has been handled in an appalling manner and clearly has been subject to a great deal of profiteering rather than what would have been sensible for the local community.

Plot 3 has now been severely over developed - it blocks out our views of the sky and trees and makes our lounge and dining room very much darker than before.

There seems little point in objecting to the proposal as the property is nearly finished - however, we would point out that the rear of the property is not quite as in the drawings, the door which is off bedroom 5 does not have a shaped concrete lintel and is simply finished with brick. It makes the doorway look as though it is an after thought and doesn't not help the unsightly view of the building. Also, the external lights which have been installed have no movement sensors and therefore remain on all night if left turned on. These lights are incredibly bright and cause light pollution in the rear rooms of our house.”

Officer comments: The report notes that this is a retrospective application and it has to be considered on this basis. Previous complaints raised by the neighbour regarding the setting out of the development were investigated and it was found that the development was in compliance with the approved plans. The comments regarding loss of views and over-shadowing are noted, however, these are not impacts arising from this particular application as the report points out that there are no proposed increases in floorspace or volume. The detailed matters raised in the last paragraph regarding building design and lighting can be separately considered.

12th January 2010

Cllrs Julie and Tim Young
34 Mascot Square
Colchester
CO4 3GA

By Email to: cldr.julie.young@colchester.gov.uk, cldr.tim.young@colchester.gov.uk and Post

Dear Cllrs Young

**Proposed Student Accommodation at Avon Way House, Avon Way, Colchester.
Application No: 091357**

I wanted to write to you today to discuss the objection reasons you have cited in relation to the above-mentioned planning application. I appreciate that these are matters of real concern to you and I wanted to address each of your concerns as clearly as possible.

1. Building height and relationship to properties at Pickford Walk

As advised in previous correspondence, we have taken the opportunity to relocate the proposed blocks as far from the neighbouring properties at Pickford Walk as the site's physical constraints allow. We have also substantially reduced the comparative height of the two buildings, by excavating to reduce the ground floor level, as shown by the enclosed architectural drawings. Also, of equal importance, the proposed buildings fully comply with all Council requirements regarding relationships between residential buildings.

2. Impact on neighbouring properties' daylight

A detailed sunlight/daylight/overshadowing assessment has been undertaken and submitted as part of the planning application. This assessment clearly demonstrates that the proposed buildings would not have a detrimental impact on neighbouring properties. I would be more than happy to provide you with a copy of the assessment if you wish.

3. Impact on residents' amenity – noise disturbance

Avon Way House has a full management team on-site to ensure that student residents adhere to good neighbour requirements. Should residents ever wish to make contact, the Hospitality Office is manned with a full-time staff during normal weekly working hours and with student wardens beyond these hours. The completed proposals will be constructed in accordance with statutory and building regulation requirements to ensure acoustic separation and privacy for both our students and local residents.

4. Development density and 'cramped living conditions' for students

The proposed development density fully accords with Colchester's requirements. Also, as your Senior Planning Officer explained in August of this year, it is inaccurate to refer to the proposals as 'cramped' or 'substandard'. Our proposals provide students with the option to share purpose built high quality flats with other like minded students, and there is a clear demand for this open market product. Colchester already offers a vast amount of larger residential properties on the open market, whereas our proposals offer an affordable and regulation compliant option designed to meet the specific needs of students. This also accords with the proposed condition that use will be restricted to University students only.

5. Student Parking

You will be aware as of the previous Planning Committee meeting that we have entered into a formal Section 106 agreement with the Council limiting students within their tenancy agreements not to bring their cars to site without valid parking permits. In addition, we are providing substantially improved pedestrian and cycle access links to the University campus and have adopted a number of other initiatives, including a 'human train' to actively encourage sustainable means of getting to and from college.

6. Failure to sink the level of the buildings

As the enclosed drawing demonstrates, this assertion is incorrect. We have significantly increased excavation to reduce the overall height of the proposed buildings quite substantially.

7. Failure to pursue 'infill' development

You will recall from the previous Planning Committee meeting that The Mansion Group do not own the infill areas of the Avon Way site, meaning it is not possible for us to pursue this option. We had retained an option to develop one section, which you may recall formed a part of the previous application for Blocks C to F.

I sincerely hope that the information above goes some way towards addressing your concerns. I do appreciate that you have an obligation to represent the views of those of your constituents who object to this application, but I do believe that the benefits this development would bring - in providing new, high quality and purpose built student accommodation for young people wishing to live and study in Colchester; in providing new full-time jobs on-site; and in providing additional employment opportunities for local contractors servicing the apartments - are very substantial indeed and worthy of your consideration.

Thank you very much for taking the time to read this letter. If you have any additional queries please do not hesitate to contact me directly on 07955 153865 at any time or via email to our dedicated project address; avonhouse.consultation@googlemail.com.

Yours sincerely

David Madden
Office of the Project Manager
Enc.

cc. Bradly Heffer, Case Officer
Cllr Lyn Barton, Cabinet Member for Planning, Sustainability and Environment
Mr Bob Russell MP

12th January 2010

Bob Russell MP
Magdalen Hall
Wimpole Road
Colchester
Essex
C01 2DE

By Email to: brookse@parliament.uk and Post

Dear Mr Russell

**Proposed Student Accommodation at Avon Way House, Avon Way, Colchester.
Application No: 091357**

I wanted to write to you today in response to the letter of objection you have submitted regarding the above planning application. I fully understand that the proposed application for Blocks A & B is a matter of concern for you, but I also believe it is equally important to address some errors in your objection letter.

Your letter of 2nd December to the Head of Planning at Colchester Borough Council indicates that you consider the Mansion Group's approach in withdrawing Blocks A & B from the original application determined in August 2009 and then submitting a separate application as *"somewhat devious – a deliberate attempt with a piece-meal approach to secure approval"*.

I have to admit that I find this statement surprising. You were in attendance at the Planning Committee meeting in August and will recall that Owain Thomas, the Project Manager, stated very clearly to the Committee that the Mansion Group would indeed be submitting a separate application for Blocks A & B, and that the approach undertaken was specifically in order to address concerns raised about these Blocks in particular. Therefore, I do not believe that we could have been any clearer about our intentions. We sincerely believe that the proposed new student accommodation, in its entirety, represents an appropriate form of development and, indeed, would deliver much needed specialist student accommodation of the highest standard without having a detrimental impact on neighbouring properties. Our intention, clearly stated, in removing Blocks A & B from the original application was to provide a further opportunity to address concerns about these blocks in particular and then submit a revised application, which is exactly what we have done.

You note that your objections to Blocks A & B remain the same – namely in relation to the height of the buildings and their proximity to the neighbouring properties on Pickford Way. However, no reference is made to the fact that the proposed buildings in the current application have been relocated to be as far from the neighbouring buildings as the site's physical constraints allow and that we have substantially reduced the comparative height of Blocks A & B by excavating to reduce the ground floor level (please see the enclosed architectural drawing for reference).

We have genuinely sought to address neighbours' worries about Blocks A & B and the new application addresses these concerns to the fullest extent given the site's physical constraints. It is worth noting that the original application fully accorded with Colchester Council's planning rules regarding the physical relationship between residential buildings and the current plans further exceed these requirements.

As I said at the outset, I do appreciate that you have concerns about the application and that you are also speaking on behalf of some of your constituents who are also concerned, but I hope you will agree that it is important to ensure that any planning application is determined based on a factually accurate appraisal of the issues. I realise that, in this most busy of years with a general election on the horizon, your diary is exceptionally busy. Nevertheless, I would like to re-extend our offer to meet with you at any time that would be convenient for you – we are more than happy to visit your constituency or Westminster Offices – to discuss the plans in more detail. I sincerely believe that the benefits this development would bring, in providing new, high quality and purpose built student accommodation for young people wishing to live and study in Colchester are very substantial indeed and worthy of your consideration.

Thank you very much for taking the time to read this letter. If you have any additional queries please do not hesitate to contact me directly on 07955 153865 at any time or via email to our dedicated project address; avonhouse.consultation@googlemail.com.

Yours sincerely

David Madden
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cc. Bradly Heffer, Case Officer
Cllr Lyn Barton, Cabinet Member for Planning, Sustainability and Environment
Cllr Tim and Cllr Julie Young

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
29 April 2010 at 6:00pm**

SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items