

**PLANNING COMMITTEE
20 AUGUST 2009**

Present :- Councillor Ray Gamble (Chairman)
Councillor Sonia Lewis (Deputy Mayor)
Councillors Mary Blandon, Helen Chuah,
Mark Cory, John Elliott, Andrew Ellis,
Stephen Ford, Theresa Higgins, Jackie Maclean,
Jon Manning and Ann Quarrie

Also in Attendance :- Councillor Julie Young
Councillor Tim Young
Councillor Chris Hall

(* No formal site visits were undertaken prior to this meeting.)

73. Minutes

The minutes of the meeting held on 6 August 2009 were confirmed as a correct record, subject to the word 'facia' being corrected to 'fascia' throughout minute no. 68.

Councillor Jon Manning (in respect of his partner's son living in the vicinity of the application site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

74. 090843 Greenways, St Fillan Road, Colchester

The Committee considered an application for a proposed additional partial basement and other minor amendments to the previous scheme for a sixty-six bedroom care centre approved under application 090215. The Committee had before it a report in which all information was set out.

John More, Principal Planning Officer, attended to assist the Committee in its deliberations. The minor amendments included the installation of a kitchenette in each of the sixty-six bedrooms, comprising a basin, a refrigerator and a microwave.

Mr Jeremy Randall addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The main reason for the introduction of kitchenettes, comprising a small refrigerator, a basin and a microwave, is to enhance the quality of the bedrooms. The

bedroom sizes had been increased in order to maintain their quality. All service accommodation will be moved into the basement area enabling the retention of sixty-six bedrooms. There were other minor adjustments made to elements of the scheme including the car park layout and some access ramps.

Some members of the Committee had concerns because there were originally two separate rooms in each flat which was considered to enhance the lives of the residents whilst the installation of a kitchenette in each bedroom created a bed-sit arrangement. There were also concerns about the kitchen facilities being in flats occupied by residents who had dementia. However, it was recognised that neither of these issues were planning matters. Other members of the Committee viewed the kitchen facilities as a positive feature by enabling residents to make their visitors a cup of tea and providing visitors with the scope to socialise with residents.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

Councillor Jon Manning (in respect of being a student at the University of Essex) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Mary Blandon (in respect of being related to the public speaker, Bob Russell, MP) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Ray Gamble (in respect of his close association with the public speaker, Bob Russell, MP) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

75. 090498 Avon Way House, Avon Way, Colchester, CO4 3TZ

The Committee considered an application, originally for the erection of 133 new student bedrooms in thirty flats split into six separate buildings. The application was considered at the Committee's meeting on 23 July 2009 and

as a result of comments made by the Committee members the application had been amended to 81 new student bedrooms in twenty flats split into four separate buildings. All information was set out in the report and the Amendment Sheet explained the change of description together with the applicant's responses to other concerns expressed at the earlier meeting.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. He explained that students would need to apply for a parking space within the development. In the event that demand exceeded supply, a restrictive covenant would prohibit students from bringing a vehicle to the development. It was suggested that this restriction could be achieved by condition but it could equally be secured by inclusion in the legal agreement. The development would also be managed and gated.

Mr Bob Russell, MP, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The land on which Block F was to be built did not appear to be within the boundary of the site as indicated; paragraph 9.2 of the report explained that with the removal of Blocks A and B, Blocks C, D and E remained in the application for determination, Block F appeared not to be mentioned and this point needed clarification. The Council's Landscape Officer required the landscape scheme to include some areas within the site not in the applicant's ownership. He suggested that landscaping be required in the area where Blocks A and B would have been sited, thus preventing a further planning application for Blocks A and B in that area. He wanted to know what would happen if dwellings were not occupied by students, and what would happen if the car parking density was exceeded.

Mr Owain Thomas addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He confirmed that they were willing to accept the car parking restrictions as part of the legal agreement; he explained that whilst the applicant company did not own the land around Block F they had a license from the owners to build Block F. They intended to build Blocks A and B after they had consulted with the residents of Pickford Walk, ward councillors and Bob Russell, MP. They had dealt with all the issues raised at the last Planning Committee meeting.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. The data relating to car parking ownership was historical. Residents have reported on street car parking in Avon Way. She believed that there was a daily security presence when the University owned the site security, now however, there appeared to be none on the site. Students do not register to park because they know that checks are not being made. She welcomed the additional information about parking arrangements. She noted the absence of a condition regarding cycle storage and she also

requested a condition to regulate the hours of working. She asked if the bungalow on the site would be left in situ. Whilst she did not want Blocks A and B built at all she recognised that a fresh application for Blocks A and B was likely, but was concerned about what would happen in that area in the intervening period. The site was still over developed.

Councillor T. Young attended and, with the consent of the Chairman, addressed the Committee. Comments from ward councillors did not appear in either the original or subsequent reports. He reiterated his previous point about the accommodation representing second class accommodation for students. Car parking was still an issue. The applicant had made it clear that a further application for Blocks A and B would be submitted but it would be unacceptable to residents because it will blight their lives. He had heard nothing to reassure him that fundamental issues had been addressed. The application contained flaws and did not stand on its own because of the issues relating to ownership and freehold.

It was explained that only Blocks A and B were being dropped from the scheme, Block F remained part of this scheme and would be built under licence. Blocks A and B would be built, but in the original scheme they faced on to Pickford Walk and provided a development of high scale and mass, but a more pleasant street frontage could be agreed. There were no strong grounds to prevent any development in that area and consequently there was no reason to landscape that area. Parking levels in this location are not so great. There is a standard note at the foot of the recommendation regarding hours of working.

Some members of the Committee remained dissatisfied with the application. The absence of a pedestrian crossing across Clingoe Hill was raised and was considered to be sufficient to prohibit the development being built on this site. The subway was designed to flood when there was rain and it was effectively a drain with a footpath alongside. The density of the development remained an issue, specifically whether condition 22 was necessary given that the development is specific to students, was considered to be sub-standard and not acceptable to anyone else. Parents often funded student accommodation and why should they pay for sub-standard accommodation. If this development is only suitable for students and not for others it should not be built. The report did not address the issue of facilities for disabled students; the doorways should be wide enough for disabled access. In respect of car parking, how was the restrictive covenant going to be enforced.

Comments on the application from other members of the Committee included the hours of working which should be made a formal condition. It was noted that the rooms were all single rooms and there was a lack of any family accommodation. It was very important that there should be no charges for car

parking to avoid parking in surrounding streets, and the parking arrangements should be made part of the Section 106 agreement which the agent has indicated would be acceptable to their client. The cycle parking should be covered and secure. An Informative note was requested to cover the issue of disabled access and provision of wider doorways and ramps. Queries were raised regarding whether the landscaping scheme could be achieved in the light of the ownership issues, and whether the University was responsible for letting the accommodation.

The officer explained that conditions such as hours of working were difficult for the planning team to enforce as they did not have sufficient capacity whereas an informative note was enforceable by the Environmental Health team which did have the resources. In respect of the subway at the bottom of Clingoe Hill, the Highways Authority had provided comments which suggested that they had looked at solutions to the flooding problem. The accommodation provided is not sub-standard, the scheme is of good quality and where there is a reduction in standards it is in respect of car parking only. The blocks themselves, the open areas and in environmental terms it is an attractive scheme. In this location this level of density might not normally be acceptable, but higher density does not equate to a sub-standard scheme. The local authority wanted the scheme to be accessible using as many modes of transport as possible and travel packs were required by the Highway Authority. Condition 19 covers cycle parking and requires a scheme to be submitted which could require the facility to be secure and well lit. It was not known if there would be a charge for car parking, but that could be dealt with by way of an informative if permission was granted. The bungalow is on that part of the site designated for Blocks A and B and whilst negotiations were being conducted for those blocks, the bungalow would remain in situ. Condition 22 covers the issue of persons permitted to occupy the buildings and for the purposes of this application the accommodation is specifically for EU students. If full occupation could not be achieved by the University of Essex the authority may be asked to reconsider Condition 22. There was no specific provision for disabled students in this scheme but that may be covered by the Disability Discrimination Act (DDA). In certain respects this is a very good scheme with good access to shops, open space and the University; it is an ideal site for this type of accommodation.

Members were hopeful that the scheme for Blocks A and B would be developed in consultation with ward members and residents. High density does not mean low quality. The development was specifically for students with good access to the University and was very close to local amenities with a very large supermarket close by. Colchester does build developments at this density and much higher in the town. This looks a good quality scheme and people do have a choice.

RESOLVED (SEVEN voted FOR, SIX voted AGAINST, the Chairman having exercised his casting vote FOR) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution of £53,460 towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document; two pedestrian/cycle links from the site to the cycle and footpath network at the south of the site; and 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.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and additional informatives regarding the developer to be advised that the Committee feel strongly that no charge should be made for parking spaces at the site; and the developer to have full regard to the requirements of the DDA and the needs of disabled residents.

76. 090800 Villa 7, Turner Village, Turner Road, Colchester, CO4 5JP

The Committee considered an application for a replacement building on the site of Villa 7 at Turner Village, part of Colchester General Hospital, for health related uses, education, training and research, in particular laparoscopy. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. The main issue is the architecture. The replacement building was slightly smaller than the existing building and would utilise modern materials. Officers' view is that the proposal is a reasonable response to the situation providing the same building form but with the use of modern materials.

Mr Mills, representing Myland Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The report had altered the emphasis of the Parish Council's comments and had not been noted accurately. The Parish Council believed that the proposal would have a detrimental effect on the area and because of the loss of important public access they had applied for this to be an Area of Special Interest. The Parish Council supports the training concept but wants the materials of the new building to be the same as those used in the existing buildings.

Ms Lynam addressed the Committee on behalf of the applicant pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This is an important application for Colchester for a world class facility for keyhole surgery. Interest in the new initiative has been expressed by China and the USA and it would reduce risk in surgical processes. There are no plans for expansion of the centre. The design of the interior of the building has been worked up with Professor Moxham. One of the early plans was to repair and refurbish the old building but it could not deliver what was required because of the nature of the spaces of the existing accommodation which was not capable of providing a world class centre and would not be fit for purpose.

Councillor Hall attended and, with the consent of the Chairman, addressed the Committee in his role as Heritage Champion. Heritage included the history of the site and not just the building being destroyed. Several Groups have come together to record historic buildings of Colchester which are not in themselves worthy of listing. Colchester has a very rich heritage but many have been lost: St Mary's, two wards in Essex County Hospital, Severalls, Essex Hall and much of Turner Village. If this demolition is approved it should be made clear to the hospital authorities that these villas are very important and should be developed sympathetically. Having spoken to the hospital authority they do say they want to bring other villas into use, and it was hoped that this would be achieved. This building is collapsing at one end and undermined by trees.

Members of the Committee were aware that the laparoscopy centre was needed and could not be housed in the existing building. However in planning terms the issue was not the activity for which the building would be used but its external appearance. The critical factor was whether the new building would fit in with the remaining villas in the village. There was a view that buildings should not be preserved just because they had been used as a hospital. An explanation of the materials to be used was requested and whether they would be out of place with the existing villas. Whilst the applicant had asserted that there were no future plans for the centre to expand, there was a view that if successful there would be a wish to expand, and it may expand to match the size of the other buildings. Modern looking buildings can sit well alongside older building if the contrast is planned. The proposal would enhance the area.

It was explained that the architectural treatment of the new building can reflect the style of buildings either side. Whether or not it expands is not a decisive consideration. The walls are in steel panels, the roof is a colour coated membrane and the windows are aluminium.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

Councillor Jon Manning (in respect of his neighbour owning a garage in the vicinity of the application site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

77. 090829 Glance Lodge, De Vere Lane, Wivenhoe, CO7 9AU

The Committee considered an application for the erection of a detached dwelling with associated parking facilities. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

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

78. 090874 North Lane, Marks Tey, Colchester

The Committee considered an application for the continued use of the site as a temporary public pay and display car park, previously approved under C/COL/05/1918, for three years. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application for temporary planning permission be approved for a period of eighteen months terminating on 28 February 2011 with conditions and informatives as set out in the report and on the Amendment Sheet.

79. 090880 St John's Shopping Centre, St John's Walk, Colchester

This item was withdrawn from this meeting for consideration of late representations and for clarification on legal and planning policy issues.

Councillor Andrew Ellis (in respect of having engaged the services of the applicant's agent) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

80. 090884 42 Peppers Lane, Boxted, Colchester, CO4 5HL

The Committee considered an application for a variation of Condition 1 of planning approval granted under 072199 to allow the owners of the adjacent property to keep a horse at the stables for private use. Condition 1 restricted the stabling of horses and storage of associated equipment and foodstuffs to the occupants of the application property and prohibited any commercial equestrian use. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

81. 090811 Church Lane, Little Tey, CO6 1HX

The Committee considered an application for the retention of an earth bund for a temporary period of three years. The Committee had before it a report in which all information was set out, see also Amendment Sheet on which the temporary period is reduced to eighteen months ending on 28 February 2011.

RESOLVED (UNANIMOUSLY) that the application for temporary planning permission be approved with conditions and informatives for a period of eighteen months terminating on 28 February 2011.