

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
3 June 2010 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

. Amendment Sheet

95 - 100

See Amendment Sheet attached.

AMENDMENT SHEET

**Planning Committee
3 June 2010**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

**LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS
AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED**

7.1 091644 – A12 Colchester Bypass, Boxted

Members are advised that negotiations have taken place with regard to the Development Team's request for a contribution towards sustainable projects in the vicinity of the development site. However, these have not resulted in securing the requested contribution. Members are further advised that the request made by the Development Team was aspirational and therefore the scheme could not, reasonably, be rejected on the grounds that a contribution was not secured.

The applicant company's agent has advised that it is not intended to provide overnight lorry parking at this site. Additionally the submitted scheme does not include vehicular washing facilities.

7.2 091357 – Avon Way House, Avon Way, Colchester

Following deferral of the application at the Committee meeting held on 29th April the following additional information has been obtained from the applicant company:

- The existing buildings on the site contain 74 student flats (occupied by 254 students), the freehold of which has been sold. The Mansion Group and other parties have a long leasehold on these units.**
- The Mansion Group has confirmed that it is not able to offer additional parking spaces within the area of land occupied by the existing buildings as it does not own the land, as confirmed by Land Registry documentation provided by the Group.**

Under the current parking standards the existing number of units on the site would give rise to a requirement for 51 spaces - i.e. 1 space per 5 students.

Additional representation has been received from Ward Councillor Julie Young in which the following summarised points are made:

- It is evident that additional car parking is taking place in Buffett Way and that this causes difficulty in the highway.
- The parking charge levied by the applicant company to park on the Avon Way site could be a contributory factor as off-site parking for vehicles, in the highway, is without charge.
- Clarification of the occupancy of the existing units is necessary.
- A refusal of the application is requested.

In terms of the officer recommendation put forward to Members this reads as follows:

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

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 conditions.

An e mail has been received from Councillor Jon Manning stating the following:-

“Please find attached an email I received from the university could copies of this be circulated to the members of the planning committee and officers. Please it has particular resonance with 7.2 and 7.3.

I have highlighted the evidence from the university that student car ownership is on the rise.”

Highlighted Evidence

“University of Essex

Online survey on car parking permit issue at Colchester Campus

The University has a maximum of 1,510 car parking spaces and the number of permits currently issued exceeds this number

considerably. In the current economic climate, the University does not see additional expenditure on car parking spaces as an investment priority. It would also go against what we're trying to achieve in our [Sustainable Transport Policy](#) aimed at promoting alternative methods of transport to single occupancy car-use for students and staff at the Colchester Campus.”

7.3 100433 – 16 Elmstead Road, Colchester

An e mail has been received from Councillor Jon Manning stating the following:-

“Please find attached an email I received from the university could copies of this be circulated to the members of the planning committee and officers. Please it has particular resonance with 7.2 and 7.3.

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Highlighted Evidence

“University of Essex

Online survey on car parking permit issue at Colchester Campus

The University has a maximum of 1,510 car parking spaces and the number of permits currently issued exceeds this number considerably. In the current economic climate, the University does not see additional expenditure on car parking spaces as an investment priority. It would also go against what we're trying to achieve in our [Sustainable Transport Policy](#) aimed at promoting alternative methods of transport to single occupancy car-use for students and staff at the Colchester Campus.”

7.5 072523;

7.6 072522;

7.7 071786

The Old Oyster Sheds, Coast Road, West Mersea

1 additional “on-line” objection:

- The proposed development totally disregards the “sense of place” peculiar to this part of Mersea which is symmetrical and workmanlike in nature.
- If permitted part of Mersea’s maritime heritage will be lost forever.
- The waterfront in summer is full of people and cars seeking parking space to no avail. Designated parking at Burma Road will not work.

Councillor Bouckley wishes to draw the Committee's attention to the various concerns of the Coast Road Association and Mersea Island Society following a meeting with them, i.e.:

- Traffic generation, road access and building work obstructions.
- Inadequate full-year parking.
- The effect on the Conservation Area and the fact that this old building would be virtually destroyed by "new build".
- If the project proved to be not economically viable, it could be replaced by a low-grade substitute.

1 further e-mail expressing support for all 3 applications on the basis of:-

- The buildings are becoming an eyesore and will not be used for anything else.
- Employment benefits.
- West Mersea needs a combination of working water front with tourism. There is no reason why visitors should not be "invited in".

7.5 072523 – The Old Oyster Sheds, Coast Road, West Mersea

Recommendation by Highway Authority (P50) should read:-

No objection subject to a legal agreement being entered into in the same terms as the previous planning application and to provide an extended footpath outside the Oyster Sheds to the existing facility south of Victory Road junction. In view of current policies and national drive towards more sustainable forms of transport, cycle parking facilities should also be requested.

Officer Comment: Both items may be dealt with by condition. In the former case a "Grampian" condition will be necessary.

7.7 071786 – The Old Oyster Sheds, Coast Road, West Mersea

Condition relating to use of restaurant:

"The use hereby permitted shall operate specifically as a "fine dining" restaurant as described in the submitted application documents with a quality menu and wine list with table dressings to compete with the region's most noted award winning restaurants with a maximum of 48 covers and at least 50% of the menu comprising locally sourced fish, seafood and vegetables.

Reason: For the avoidance of doubt as to the scope of the permission in order to ensure that the use is compatible in its scale and character with its setting in a Conservation Area and Area of Special Character and to protect the amenities of residents of the locality."

Agent has confirmed agreement to 10.30 p.m. closing time for restaurant so as to avoid clashing with closing times of other businesses in the area.

7.8 100635 – 2 Malting Green Road, Layer de la Haye

The Highway Authority has confirmed that it has no objection to the proposal as submitted subject to the imposition of a condition securing the vision splay as follows:

‘Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 by 90 metres to the north east as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interests of highway safety to ensure accordance with policy 1.1 of the Highways and Transportation Development Control Policies.’

The revised reason for the condition (no. 21 on the agenda) follows receipt of the amended plan showing the relocation of the fence that previously obstructed the vision splay.

Two further letters of objection has been received from local residents. The following points are summarised but the full text is available on the Council’s website:

1. The amendments do not address concerns about impact on privacy.
2. Existing hedging along a rear boundary does not fully screen the site from neighbouring land.
3. Those using the facilities could still cause a noise nuisance.
4. The units could be used for long term lets.
5. Part of the pub itself could be converted without causing amenity problems.
6. The building is not entirely within the village envelope line. *(Officer comment: The line of the village envelope has been re-checked and it would appear that the proposed building does straddle the line. That said the building’s design and position is not considered to be harmful to visual or residential amenity, or the setting of the listed public house. Additionally, the use does not propose a new dwelling as such in this location and the range of conditions proposed would reflect this situation.)*

7. The building could be repositioned through 90 degrees which would avoid the windows facing towards the neighbouring dwellings to the north and address much of the impact concerns.

(Officer comment: The application should be determined on the basis of the submission put forward for consideration. In terms of impact it is felt that the proposed relocation would have a greater impact on the overall setting of the listed building and also would bring the building closer to the rear boundaries of neighbouring dwellings.

8. The presence of a gas storage tank is raised that my impact on the development.

(Officer comment: The comment is acknowledged but if the construction process does unearth a tank this would have to be dealt with under building regulations and environmental control legislation. The possible location of the tank towards the boundary with No. 10 Malting Green Road would, in principle, mean that it was located away from the actual site of the proposed building itself.

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SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items