

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
1 July 2010 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

. Amendment Sheet

138 - 151

See Amendment Sheet attached.

AMENDMENT SHEET

Planning Committee
1 July 2010

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

7.1 100183 – D’Arcy Road, Colchester

**Environmental Control has indicated the following conditions and
informatives are acceptable and replace conditions 3, 4, 5, 6 and
7.**

**“The development shall incorporate appropriate landfill gas
protection measures in accordance with the details contained
within the Contamination Land Report submitted as part of the
application.**

**Reason: The site lies within 250m of a former landfill site and the
Local Planning Authority wishes to ensure that development only
proceeds if it safe to do so. This condition should not be read as
indicating that there is any known danger from landfill gas in this
locality.”**

Informatives

- 1. The development is referred to the attached advisory note
for the Control of Pollution during Construction and
Demolition Works for the avoidance of pollution during the
demolition and construction of works. Should the applicant
require any further guidance they should contact
Environmental Control prior to commencement of works.**
- 2. The applicant is advised that the site to which this planning
permission relates is located within 250 metres of filled
land. Under Approved Document C of the Building
Regulations you will be required to consider this when
designing the foundations of the development and
precautionary measures should be incorporated to
minimise risks from any ground gases. Prior to the
commencement of the permitted development, the
applicant is advised to undertake a suitable and sufficient
site investigation and any necessary risk assessment to
ensure the land is free from significant levels of
contamination. The Local Planning Authority should be**

given prior notification of any proposed remediation scheme. The applicant is advised that this must be conducted in accordance with current official guidance, including Approved Document C of the Building Regulations, DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

7.2 100704 – Bluebells, Drakes Corner, Great Wigborough

Environmental Control has confirmed the Council does not set a minimum distance for manure storage in relation to residential properties as it is considered on a case by case basis.

Officer Comment: Your officer has suggested a location for the storage of manure on the east side of the stable building. Environmental Control has confirmed this is acceptable and the applicant has agreed to this.

7.4 100886 – 6 East Mersea Road, West Mersea

- ← Amended car parking layout received. This shows the provision of six parking spaces to take into account the existing B & B accommodation (2 bedrooms).

The Highway Authority comment that it is an existing access, the intensification from this one small unit is negligible and so would not wish to raise objections.

West Mersea Town Council recommend consent.

7.5/7.6 – 100915 & 100940 - St Ives Farm, St Ives Road, Peldon

Environmental Control has no comment.

For Members' information the concurrent application 100941 (Popper & Carter) has been withdrawn.

Highway Authority's recommendation not yet received.

Recommendation in both cases to read:-

“Defer to await views of the Highway Authority. So long as approval is recommended, the Head of Environmental and Planning Services be authorised to grant planning permission under delegated powers subject to the conditions set out in the report.

7.7 101011 – Hill House Farm, Colchester Road, West Bergholt

Additional information has been supplied by the agent:-

“The only people that use the existing (Smeaton Close) facility who are able-bodied are those that accompany patients. As the application is specifically for those with a physical or learning handicap, I would have no problem with a condition to restrict the use accordingly.”

1 further e mail received objecting to the proposals for the following additional reasons:-

1. The lease at Smeaton Close is not being renewed as a matter of choice by Bounceability. They could stay but have chosen not to.

7.8 091325 – 140 High Street, Wivenhoe

←In relation to Paragraph 10.1 in the original report Councillor Stephen Ford wishes to make clear that that “he has spoken about various aspects of the application but has not expressed a view in favour of or in opposition to this application.” He requests that this be noted on the Amendment Sheet.

The Highway Authority recommend approval with conditions relating to visibility splays, parking/turning facilities etc and informatives:-

1. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
Reason: To provide adequate intervisibility between the uses of the access and pedestrians in the adjoining public highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

2. Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.
3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.
4. Any gates provided at the vehicular access shall be inward opening only or sliding gates and shall be erected clear of the highway.
Reason: No part of the gates, including the foundations will be allowed to encroach on the highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

Informatives

1. All works affecting the highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Area Highways Manager on 01206 838600.
2. Where seating and tables are proposed on land currently covered by highway rights the exact position and setting out will be agreed beforehand with the Highways Manager and an appropriate licence will have to be granted.

7.9 100780 – 12 St Clare Road, Colchester

Amended plans have been received on the 16 June 2010 showing:-

- Front porch reduced in width.
- 2nd floor roof terrace omitted.
- Additional front boundary wall details.
- Additional details of car port structure.
- Confirmation that roof tiles will be Sandtoft Coxhill, clay plain tile coloured dark chestnut.

Additional consultations have been carried out. 1 letter has been received from a neighbour commenting on the following:-

- Although the roof top terrace has been removed, an access door remains onto the flat roof. It should not be used as a terrace or balcony.
- The rear extension is to be timber boarded but rest of property is rendered.
- 2 rooms are designated as “playroom/studio” and studio. As the applicant is a dentist, is it planned to open a dental studio?

Condition 2 to refer to amended drawing Nos. SK02A, SK05A, SK06A, SK07A, SK08A and SK09A, received 16th June 2010.

Additional Condition 5:

At no time shall the flat roofed area above the first floor living room be used for any roof-top terrace, balcony or sitting out area.

7.11 091357 – Avon Way House, Avon Way, Colchester

Members are advised that two letters objecting to the proposal have been received, in addition to the petition referred to in the main agenda report. The points of objection may be summarised as follows:

- The proposed development is too close to existing development in Pickford Walk and would be oppressive, creating loss of light and amenity. The change in land levels would exacerbate the impact.
- The proposal will create parking problems in the area. Houses in Pickford Walk have their own parking facilities. A parking charge levied on the site will create additional parking in the surrounding streets.
- The accommodation is not of sufficient size.
- There is no need for the proposed accommodation with additional student accommodation being planned at the University campus.
- The proposed area for development should remain as car parking space.

The full text of representations received is available to view on the Council's website.

Car parking requirement statistics

Site/Proposal	No. of bedrooms	No. of spaces
090490 blocks C, D, E & F	81 bedrooms	16 spaces
091357 blocks A & B	38 bedrooms	8spaces
existing	74 flats (254 students)	51 spaces
TOTAL		75 spaces

Letters of objection from the MP for Colchester, Mr Russell, and also Ward Councillors for St Andrews are reproduced:-

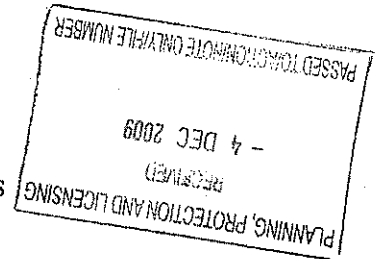
091357

SCANNED

0 8 DEC 2009



HOUSE OF COMMONS
LONDON SW1A 0AA



Head of Planning
Colchester Borough Council
Town Hall - High Street
Colchester CO1 1FR

M.V.M

2nd December 2009

Dear Head of Planning,

Application for student accommodation - Avon Way House

I wrote a letter of objection to the previous Application at the above site. I wish that my objections in that earlier letter be further considered in respect of the current Application.

The developers, quite wisely, withdraw Blocks "A" and "B" when it dawned on them that the Planning Committee was likely to reject the entire Application. I consider their approach, with the new Application, to show that their behaviour on the previous occasion was somewhat devious - a deliberate attempt with a piece-meal approach to secure approval.

The objections to Blocks "A" and "B" remain the same. The height of the Blocks was not the only consideration last time; it was their location within the site - and that remains the same in terms of the serious impact they will have on the residential dwellings fronting Pickford Walk.

It should be fully understood that Pickford Walk was designed so that dwellings did not face other buildings. As the name suggests, the houses are served by a "walk" - not a road. Therefore their proximity to the site of Block "A" in particular spoils what the original design of Pickford Walk and Avon Way House intended.

I hope the Committee will reject the current Application. However, as a compromise, perhaps an alternative would be for Block "B" to be approved but for a height of 2-floors only, with the second floor preferably with a

PLEASE REPLY TO: Magdalen Hall, Wimpole Road, Colchester CO1 2DE
TELEPHONE: 01206 506600 - FAX: 01206 506610 - EMAIL: brooksse@parliament.uk

DATA PROTECTION ACT

Whilst Bob Russell MP will treat as confidential any personal information you pass on, he will allow staff and authorised volunteers to see it if this is needed to help and advise you. He may also pass on all or some of this information to agencies such as Government Departments, the Inland Revenue or the local Council if this is necessary to help you with your case. Bob Russell MP may wish to write to you from time to time to keep you informed on issues that you may find of interest. Please let him know if you do wish to be contacted for this purpose.

SCANNED

08 DEC 2009



HOUSE OF COMMONS

LONDON SW1A 0AA

mansard roof; that Block "A" be refused and the site planted with trees to improve the appearance of both Avon Way and the setting of Avon Way House.

Thank you.

Yours sincerely,

A handwritten signature in black ink that reads "Bob Russell".

Bob Russell,
MP for Colchester

Copy: Local residents

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25 NOV 2009

Avon way house

The ward councillors would like to express their objections to these revised plans. Councillors will remember the discussions regarding the original plans and the concern raised around the height of the buildings and the imposing impact that these two blocks will have, especially on the residents of Pickford walk. We would argue that the revised plans still present huge structures which will be over bearing on residents and will deny neighbouring properties daylight and the quiet enjoyment of their home. We would argue that the plans represent over development of the site and as such will exacerbate noise nuisance already suffered by neighbours of this student accommodation. We reject the concept expressed in the original report that this level of density is acceptable for students and firmly believe that students should be treated equally and not subject to cramped living conditions. The issue of student parking is a long standing problem and the proposal to cut parking provision on this site by 50% is seriously flawed and residents will have to live with the full effects of this in years to come. Avon way has recently been assessed by Highway officers and confirmed to meet the criteria for traffic calming measures. More and more student cars are finding there way on to Avon way, creating problems with residents being able to cross safely at this site. You will note that the developers have failed to sink the land level to cut height as suggested and have failed to bring forward plans for infill development which might have been more acceptable. All they have done is to slightly re position the blocks to put them at an angle which provides a slightly bigger gap between the block and neighbours properties in Pickford walk. Our view is that this does not make the blocks any more acceptable than the original plans and we would ask you to reject this application.

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.

10 JAN 2019

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

Agenda Item 9 – Annex Building at 43 Peppers Lane, Boxted

Email received from offenders Solicitor, Thomas McPhie and the Council's response reproduced below.

Members are requested to consider delaying the service of an Enforcement Notice to allow the owner to demonstrate that the breach has ceased.

Also to give delegated powers to the Head of Environmental & Protective Services and/or The Planning Services Manager to authorise service of an Enforcement Notice if the breach resumes before the owner of the property takes up residence in 43 Peppers Lane, Boxted.

From: Thomas McPhie [Thomas.McPhie@Ellisonslegal.com]
Sent: 29 June 2010 12:32
To: Cheryl Headford
Subject: RE: 43 Peppers Lane - Annex - Terry Apps
Hi Cheryl,

I'm just getting Terry to confirm that he's ok with that time on Thursday, but I'm sure that he is. I've also asked Terry about when his daughter's boyfriend moved to Chelmsford (which is another reason why his daughter is moving there) and about the meters.

There'll be no problem at all with Terry giving the undertaking.

Thanks for your help (and patience) with this, Cheryl.

Tom

Thomas McPhie
Solicitor
Commercial Property Department
Ellisons, Headgate Court, Head Street, Colchester, Essex, CO1 1NP

From: Cheryl Headford [mailto:Cheryl.Headford@colchester.gov.uk]
Sent: 29 June 2010 12:17
To: Thomas McPhie
Subject: RE: 43 Peppers Lane - Annex - Terry Apps

Hi Tom

Thanks for the email

I can visit Mr Apps on Thursday morning if he is going to be around sometime between 9.30 – 10.30 am. Reason I cant be more precise is that I have a hospital appointment at 8.00am and cant be sure exactly

when I will get away from there. I won't be earlier than 9.30, so if this is acceptable I can visit on Thursday. Sorry but I can't make any later in the day and I will not have a car to visit on Wednesday.

I appreciate that Mr Apps's daughter has moved out and now lives in Chelmsford and that all moveable objects will be taken out of the annex before my visit. However we have concerns that as they are moveable there is nothing to stop them being put back in afterwards, or the daughter/parents using the annex at weekends or holiday periods. I appreciate that Mr Apps will allow us to do unannounced checks but unless there is someone available to give us entry into the annex, this would be of little help, also we do not work weekends (which is when the use is mostly likely to happen) so ad hoc visits may not be sufficient to determine that the use has ceased.

You also do not mention Mr Relvas, who was living there with the daughter, where is he now?

I would like to have something more substantial as evidence that the annex has not been in any use, until such time as Mr Apps moves into no 43. I assume that there is a separate water and electricity meter for the annex and if so are these situated in a position where they can be read, without needing access into any building? If the annex is not occupied there should be no reason (especially during summer/autumn months for water/electricity to be used), therefore if we can take regular readings from the meters this may be a way to determine that the use has ceased.

We may also ask for an undertaking from Mr Apps that the annex will not be used for any purposes from the time of my visit until he occupies no 43, would he be willing to do this?

For the time being the report will still be going to committee on 1st. I will include a copy of your email and if possible your response to this email. I will also add an amendment to request delegated powers to the Head of Planning & Protection or The Planning Services Manager for authority to serve an enforcement notice should the need arise.

I hope that your client will be in agreement with the above suggestions and hopefully the service of an enforcement notice may not be necessary.

Cheryl Headford

Planning Investigation Officer

Agenda Item 10 – Revised Planning Service Enforcement Strategy

Typographical corrections

Any reference to the Regulation of Investigatory Powers Act 2002 or RIPA 2002 should read:-

Regulation of Investigatory Powers Act 2000 or RIPA 2000

P112 Appendix B

Geoff Kirby's correct title is:-

Major Applications Support & Enforcement Manager

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
1 July 2010 at 6:00pm**

SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items