

PLANNING COMMITTEE
29 APRIL 2010

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

Substitute Members :- Councillor Laura Sykes
for Councillor Helen Chuah*
Councillor Martin Hunt for Councillor Jon Manning*

Also in Attendance :- Councillor Julie Young

(* Committee members who attended the formal site visit.)

224. Minutes

The minutes of the meetings held on 1 April 2010 and 15 April 2010 were confirmed as a correct record.

225. 091357 Avon Way House, Avon Way, Colchester, CO4 3TZ

The Committee considered an application for a further two blocks, A and B, of new student accommodation forming a total of thirty-eight new student bedrooms in nine cluster flats. Each bedroom would be ensuite and would share kitchen and lounge facilities with other bedrooms within each cluster flat. The current proposal provides two blocks each of three storeys where they face the Avon Way House site and two storeys where they face the dwellings in Pickford Walk. The car parking provision was based on one space per five students. There would be 102 bedrooms in total giving a parking provision of twenty-one spaces which had been rounded up to thirty spaces. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. Blocks C, D, E and F had already been granted permission at which time Blocks A and B had been withdrawn because of their close proximity to properties in Pickford Walk. Blocks A and B had now been

relocated further away from those properties; between 20 metres and 22 metres away which was greater than the minimum distance of 15 metres. In addition both blocks were now set slightly lower than in the previous scheme. The Amendment Sheet referred to additional matters to be included in the Section 106 Agreement.

Denis Groves addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to Blocks A and B which were proposed to be built opposite his house, located at the bottom of the steps down from Avon Way into Pickford Walk. He asked that the application be rejected and if the developers were not satisfied with just Block B they should reach a compromise for Block A not to be erected as they already had permission for Blocks C to F.

Owain Thomas addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Their application for Blocks C to F was passed last August at which time they stated that they would put in a further application for Blocks A and B. They have tried to mitigate the concerns expressed by the Committee by dropping the height and moving them further away from properties on Pickford Walk. In doing so they consider they have gone further than simply complying with planning guidance. He appreciated that local residents may not wish to have students in the vicinity of their properties. However, they comply with all planning legislation and guidance and the proposal will be to a high standard for the students of Colchester. The site is sustainable with links to the cycle network; it is a secure development; and it is a residential use in a residential area.

Councillor Julie Young attended and, with the consent of the Chairman, addressed the Committee. She did not consider the increased distance between the new blocks and properties in Pickford Walk to be significantly different. The Mansion Group had not made it clear whether the ground level will be reduced so she considered the current proposal would still have the impact of three storeys because it would be built on a mound. The earlier suggestion for using infill space has not been taken up by the developer. The gates to the site had been locked since the application process started and existing students had been parking in the road. She was aware that the available on site parking had been reduced by 50% but she now believed that the number of parking spaces had been reduced further still even though a new parking standards policy had been adopted. She also believed that the existing 1,300 student flats agreed for Knowledge Gateway were sufficient particularly in view of the prospect of cuts in funding for further education with the likelihood that the numbers of students would also fall thus negating the necessity for these additional flats. She was also aware of a significant number of flats available to let in the Hythe area.

Members of the Committee remained concerned on a number of issues:- the lack of sufficient on site parking spaces leading to on street parking in surrounding roads and causing problems for residents; the impact on residents in Pickford Walk, specifically the difference in height and proximity to their properties; the loss of daylight and sunlight, and issues relating to overbearing and overshadowing; the possibility of the proposal being a source of noise nuisance for residents; the suitability and provision for disabled students; the possibility of the development being sold on for private occupation in the future; and the density being too high. Some members were of the view that whilst Block A was now acceptable Block B was not.

It was explained that the proposal exceeds the Essex Design Guide standards in respect of the minimum distance between the fronts of properties. Although the slab level of Block A shows a slight rise, overall the building is lower in height than in the original proposal. This scheme has been amended to overcome any overbearing impact. In respect of noise, the flats are small bed-sits and apart from a shared kitchen there is no other shared accommodation. In addition, the windows facing Pickford Walk on Blocks A and B will be either bedroom windows or windows serving the stairwells. There will be a full management team on site to ensure students do not cause problems for neighbouring residents, so applicants have already taken this issue into account and there is that facility for people to go direct to the Management Team. If the site was private residential accommodation there would need to be a garden area but that is not the case in this application. Condition 17 restricts the occupation of the buildings to students. The site is fairly high density comprising buildings, parking or accessway. The buildings will have to comply with the Disability Discrimination Act. The issue of flats available elsewhere was not a planning issue.

In respect of the parking provision it was explained that, the earlier approval provides 81 new student bedrooms in twenty flats and this proposal provides a further 38 new student bedrooms in nine flats, totalling 119 new student bedrooms. The total parking provision on the whole site will be thirty spaces. The new parking standard applies to the new blocks only and not to the blocks which are already built. The new parking standard requires one space for every five bedrooms which is 23 spaces for the new development; this leaves seven spaces for the existing blocks. Four of the thirty spaces will be available for students with disabilities. The applicant has agreed to a legally binding restrictive covenant whereby students will only be permitted to bring a car onto the site if they have a permit. To support this arrangement there will be a tenancy agreement relating to flats on the whole site preventing all students from having a car. Cycle parking is provided and students will be encouraged to walk and use public transport.

Members had been opposed to the original proposal but they recognised that the applicant had made some significant compromises. The buildings were lower and light studies have demonstrated that there is no overshadowing. The proposal complies with all the relevant policies. However, there was considerable dissatisfaction with the parking provision. The parking provision for the entire site did not allow sufficient for the pre-existing student bedrooms and members believed it was inadequate and would cause inappropriate on-street parking. It appeared that there were no grounds for refusing the application as the parking provision had not been raised previously, however the Committee remained very concerned and it was suggested that the application be deferred to examine the car parking situation alongside the new policy standard, but also to look at the existing blocks and whether it was reasonable to include them within the parking standard for the whole site; this could entail asking the applicant to reduce the density.

RESOLVED (MAJORITY voted FOR) that consideration of the application be deferred for further discussions in relation to increasing the parking provision to ensure it meets with current policy, but also to seek legal advice regarding the inclusion of the existing flats in the parking allocation.

Councillor Theresa Higgins (in respect of her husband being employed by the University of Essex) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

226. 091662, 091663 and 091664 University of Essex, Wivenhoe Park, Colchester, CO4 3SQ

The Committee considered a suite of reserved matters applications as follows:-

(a) Application 091662 for a mixed use development to provide for an extension to the research park B1, residential development C3, student residences C2, hotel and public house/restaurant C1/A4, leisure development D2 and retail development A1, A2, A3, together with associated infrastructure works and car parks including new roundabout access and associated highway works upon the A133 and Elmstead Road. On the submitted plans this application relates to the part of the site identified as 'A'.

(b) Application 091663 for the layout of main estate roads and structural landscaping. On the submitted plans this application relates to the part of

the site identified as 'C'.

(c) Application 091664 for an extension to the research park buildings, roads and landscaping works for Use Classes A2 and B1. On the submitted plans this application relates to the part of the site identified as 'B'.

The Committee had before it a report for each application in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Nick Davey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The University were delighted at this prestigious scheme which helps to meet councillors' aspirations for the regeneration of the Hythe. He referred to the long history of the site and to the masterplan for the site which was approved in 2006 to provide a business and research park, student accommodation, two hundred dwellings, a hotel and a junction onto Clingo Hill. In every respect this application complied with existing permissions and the masterplan. There have been a few objections on matters of principle which are not relevant. The University hope the Committee approve the application to enable it to commence in the next two months.

Councillor Julie Young attended and, with the consent of the Chairman, addressed the Committee. This application will have an impact on residents of St Anne's ward. The consultation met the current guidelines. In respect of the cycle route network, she is concerned about the residents in the new residential properties and where their children will go to school. There is a split catchment area in St Andrew's between two schools and there appears to be no thought how the children will get to the schools. She anticipates that those attending the school in Wivenhoe will travel by car but there is no provision for a walking route through to Bromsgrove School. She was also concerned that a leisure use might be a nightclub.

Members of the Committee made a number of comments:- where joint cycle/foot paths were provided alongside a road, the cycle path should be closest to the road to assist people with sight difficulties, and all cycle paths should be consistent if they were to be linked up with the wider cycle path network across the bridge over the river; the point at which the private road begins; the shortage of school places in some year groups in Wivenhoe.

It was explained that this application contained no detail about the particular

leisure use. This level of detail would be set out in the reserved matters application at which stage there would be a further consultation process. In respect of the cycleway/footway comment, this could be added as a note to the Highway Authority. In respect of the private road, the roads within the residential area will have to be adopted as public highway and the borough council will be consulted at that stage.

RESOLVED (UNANIMOUSLY) that –

- (a) Application 091662 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.
- (b) Application 091663 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.
- (c) Application 091664 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.
- (d) A note be sent to the Highway Authority to advise that the Planning Committee would like confirmation that any joint cycleway/footpaths the cycleway to be adjacent to the road and this arrangement to be consistent throughout the development.

227. 072523, 072522 and 071786 The Old Oyster Sheds, Coast Road, West Mersea, CO5 8PA

These applications were withdrawn from consideration at this meeting in order to carry out consultations with the Marine Management Organisation regarding development above the high water mark.

Councillor Martin Hunt (in respect of being a Governor of the Colchester Hospital University NHS Foundation Trust) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during consideration and determination of the application

228. 081778 Essex County Hospital, Lexden Road, Colchester, CO3 3NB

The Committee considered an application for the installation of new gates at both entrances onto Gray Road and at the southernmost entrance onto Hospital Road. The westernmost new gates onto Gray Road to be set amongst 15.5 metres of metal railings. The Committee had before it a report

in which all information was set out, see also Amendment Sheet.

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

Councillor Theresa Higgins (in respect of her church being mentioned in the officer's report) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

229. 081938 3 Priory Street, Colchester, CO1 2PY

The Committee considered an application for the continued use of the building and rear amenity area for worship. The Committee had before it a report in which all information was set out.

Mark Russell, Planning Officer, attended to assist the Committee in its deliberations. He noted that this was a non-residential use in a residential area and that the outside area being used included the former garden area of no.3a Priory Street. He referred to an earlier proposal and the need to resolve the impact upon residents privacy at no.4 Priory Street. He explained the proposed means of separating the garden area of no.4 Priory Street from the site which comprised a two metre high wall along the boundary between nos.3 and 3a Priory Street together with an area of planting behind no.3a Priory Street. Residents at no. 4 would have a view of an area of soft landscape planting with a fence behind. It was also proposed to restrict parking on the site to the former garden area of no.2 Priory Street. The property at no.2 Priory Street had been used as a mosque for 18 years and many people use the mosque on Fridays which is the chief day of prayer. He had observed the site in use as a mosque and up to 200 people were observed as being present. The activity was quiet and whilst the call of the Imam could be heard there did not seem to be much disturbance. There is no call to prayer using amplification equipment.

Theresa Whiting addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Her objections were to the proposal and not on religious grounds, specifically to the use of land to the rear of properties which resulted in up to 200 people being present with attendant noise including children using the rear for recreation. Any screening would overshadow the view from their garden. Prayers were carried out daily with increased numbers on Fridays and children visiting on Saturday and Sunday. The noise levels match that of any school playground and not a garden or playground. They had not received any feedback from a meeting five months ago. The car park was

used daily for twenty vehicles. She asked that the use be restricted to operate from 8am to 10.30pm. She urged the Committee to consider the overbearing and detrimental impact on their back garden.

Mr Choudhury addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They have been there for twenty years and have a prayer meeting with not much disturbance. They are not a minority in Colchester. They had held prayer meetings on Tuesdays for five to six months and then five months of silence. It will not cause a problem to anyone as they try to make as little noise as possible. Some children attend for educational purposes. There is much noise with people who get drunk. Everyone has a right to worship and he invited the committee to see what they do. There is no chanting, just silent prayer. He asked that the Committee consider their needs in the community. They go to a lot of effort and host community activities there. People arrive and depart slowly.

Members of the Committee were concerned that the present use seems to have outgrown the premises. The proposed screen of planting was supported but there were concerns that the yew proposed may be poisonous. It was recognised that no.2 Priory Street had a permission from 1992 but not no.3 Priory Street. Members supported a temporary permission to enable monitoring of the situation to take place.

Planning officers expressed difficulty with imposing a condition to prevent children from using the rear garden but there is an environmental control condition to limit the hours of use. A temporary permission would enable the site to be monitored for two years.

RESOLVED (MAJORITY voted FOR) that the application be approved for a temporary period of two years with conditions and informatives as set out in the report and on the Amendment Sheet.

230. 100244 18 Victory Road, West Mersea, CO5 8LX

The Committee considered an application for a variation of Condition 04 attached to planning permission 090123 requiring the provision of obscure windows. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

RESOLVED (UNANIMOUSLY) that the application be approved with

conditions and informatives as set out in the report and on the Amendment Sheet.

231. 100358 Henrys Villas, 4 Nayland Road, Colchester, CO4 5EG

The Committee considered an application for a variation of Condition 15 of planning approval F/COL/06/1038 to allow for the provision of a new bedroom to Plot 3. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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