

Planning Committee

Thursday, 18 October 2018

Attendees: Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Chris Pearson

Substitutes: No substitutes were recorded at the meeting

Also Present:

630 Site Visits

Councillors Barton, Hazell, Higgins, Jarvis, Liddy, Loveland and Maclean attended the site visits.

631 Minutes of 23 August 2018

RESOLVED that the minutes of the meeting held on 23 August 2018 be confirmed as a correct record.

632 181281 Former Bus Depot, Magdalen Street, Colchester, CO1 2LD

The Committee considered a planning application for the demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across three blocks of up to four storeys to provide 250 bed spaces (50 units comprising, 46 cluster flats and four studio flats), communal facilities (to include bin stores, cycle parking, site management suite, quiet study area, common rooms, laundrette and communal external amenity areas), two car parking spaces, landscaping and a new public pathway through the site at the former Bus Depot, Magdalen Street, Colchester. The application had been referred to the Committee because it was a major application where a legal agreement was required. The Committee had before it a report and an amendment sheet in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Sue Jackson, Planning Project Officer, presented the report and, together with Paul Sallin, Urban Design Officer, assisted the Committee in its deliberations. The Planning Project Officer explained that, following a recent judgement from the European Court of Justice, the Habitat Regulations, related to all applications for residential development and Natural England had advised Essex Authorities that an assessment was required to

determine whether such developments would have a significant recreational disturbance impact on the integrity of the European designated habitat sites. As such the application would need to be subject to an appropriate assessment and an additional condition or a Section 106 agreement may be required to cover mitigation. She also explained that the wording of Conditions 24 and 26 had now been agreed by the Contaminated Land Officer who had also requested an additional condition controlling the removal of asbestos from the site.

One member of the Committee was concerned that local residents may not have received adequate notice of the Committee's consideration of the application. Concern was expressed regarding the location of the site and its lack of enhancement of the area and disappointment that the applicants, with the benefit of an existing scheme with planning approval, had submitted the current application with a greater density of units. Clarification was also sought in relation to the size of accommodation units, particularly if it transpired that student take-up was not sufficient.

Some Committee members voiced concerns on design grounds and the use of the New London and Cambridge Vernacular style rather than the Essex Design Guide as well as the fact that the development was not providing any element of Affordable Housing. Comment was also made in relation to the provision of only two parking spaces and a request was made for the condition providing for one vehicle charging point to be increased to two.

In response, the Planning Project Officer confirmed that a financial contribution of £170,000 for bus upgrades was being made as part of the planning obligations and the proposed design of the building was not dissimilar to that which had already been given permission. She explained that the accommodation would be managed privately and, as such, was available to students from various educational establishments. She agreed that the proposed conditions could be amended to include an additional charging point if the Committee considered this appropriate. She acknowledged that the proposed scheme included 20 more bed spaces than the already approved scheme, however, it also included more amenity space. She confirmed that the agreed planning obligations included CCTV provision, highway improvements and £170,000 towards pollution free bus provision but did not include a contribution for affordable housing. She also explained that should the scheme prove to be unviable for use as student accommodation then the matter would need to be considered again by the submission of a new planning application which could then be considered by the Committee.

The Urban Design Officer, whilst acknowledging that the proposed designs would not be to everyone's taste, stated he was of the view that the proposed designs were acceptable provided they included high quality materials and detailing and he had assessed it as good design. He confirmed that there were no examples of the proposed style in Colchester currently, it being more common in London and Cambridge.

Other members of the Committee commented on the scheme's reduced impact on the residents of the Almshouses to the rear of the site, compared to the scheme previously approved and welcomed the inclusion of 24 hour management arrangements. Members were also of the view that the design was in-keeping with the Magistrate's Courts and Emmaus buildings nearby.

RESOLVED (SIX voted FOR, TWO voted AGAINST and ONE ABSTAINED) that, subject to the conditions set out in the report and the amendment sheet as well as an appropriate assessment being carried out under the Habitat Regulations for impact on Essex Coast international wildlife designations and any required condition or Section 106 agreement to mitigate the impact of the development, a further additional condition to provide for the removal of asbestos from the site and an amendment to the proposed conditions to provide for two vehicle electric charging points—

(i) The Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions and revisions set out in the report and the amendment sheet and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide for the following:

- Restrict occupancy to students;
- Agreement to employ an on-site manager/s and for there to be a 24/7 presence on site;
- Travel Plan in accordance with Essex County Council guidance to include but not limited to monitoring fees to be prepared and agreed, a Travel Plan Co-ordinator to be employed and agreement that the Travel Plan will be regularly monitored by the council;
- Details of an Operational Management Plan to be submitted and agreed to be substantially in accordance with the submitted document to include amongst other matters the management of the on-site parking spaces, the arrival and departure of students, the setting up and details of management and operation/membership of a Community Steering group, on site security measures, Management of all external areas including communal refuse storage areas. Rental Agreement Terms to provide for amongst other matters the occupation of units only by eligible students, a clause that eligible students cannot apply for residents parking permits or bring vehicles to Colchester whilst they are living at the approve development;
- A Financial contribution of £170,00 to be used to fund upgrading of buses with a catalytic reduction system, and/or the upgrading to current ECC specification, including real time passenger information, of a bus stop, and /or CCTV the provision of 2 cameras one on each road frontage linking to the Council's CCTV network;
- Pedestrian path from Magdalen Street to Military Road to be available for public use in perpetuity between dawn to dusk and agreement that this path will not be used as a vehicular through route.

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, Assistant Director Policy and Corporate be authorised, at

their discretion, to refuse the application or otherwise be authorised to complete the agreement.

633 180116 79 Magdalen Street, Colchester, CO1 2LA

The Committee considered a planning application and Listed Building Consent for the change of use of existing dwelling house to 13-bedroom house in multiple occupation, and erection of replacement building at rear to provide 7-bedroom house in multiple occupation at 79 Magdalen Street, Colchester. The application had been referred to the Committee because it was is a major application and objections has been received to the proposed development. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Alistair Day, Planning Specialists Manager, presented the report assisted the Committee in its deliberations. The Planning Specialists Manager explained that a recent judgement from the European Court of Justice, the Habitat Regulations, related to all applications for residential development and Natural England had advised Essex Authorities that an assessment was required to determine whether such developments would have a significant recreational disturbance impact on the integrity of the European designated habitat sites. As such the application would need to be subject to an appropriate assessment and an additional condition or a Section 106 Agreement may be required to cover mitigation.

Jake Stentiford addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had been pleased to work with the Council's Planning Officers to deliver a scheme which provided better amenity opportunities for future residents whilst causing no harm to residents in neighbouring properties. The scheme was being developed to provide accommodation for young professionals and students looking for accommodation on a temporary basis. The applicant was an established property management company which would ensure that the property was managed to the highest standards. He commented on the building's current poor state of repair which detracted from the local area. The proposal was in a highly sustainable area which would ensure the building was brought back into use and maintained for the future.

In discussion, members of the Committee sought clarification regarding the need for sprinkler system to be installed, the laundry / drying facilities being proposed, whether sound insulation would be necessary and whether alternative means of ventilation was being provided to the rear bedroom which included a non-opening window with opaque glass. Comment was also made in relation to the potential for the communal rooms to be changed to additional bedrooms the future.

In response, the Planning Specialists Manager explained that the installation of sprinkler

systems and sound insulation measures were dealt with under Building Regulations and he confirmed that the building would be required to comply with appropriate Building Regulations as well as the Council's Private Sector Housing standards. He confirmed that the scheme included a courtyard area although he was unaware whether clothes washing facilities would be provided on site. He explained that all bedrooms had the benefit of natural light and natural ventilation, with the rear bedroom (facing the Folly) benefitting from other opening windows. He also clarified that a proposed condition had been included which specified the total number of bedrooms in the property. In addition, he explained that Private Sector Housing standards were such that the number of bedrooms were limited by the number of corresponding kitchen facilities. It was also subsequently confirmed that the drawings indicated that the kitchens were to be provided with a washing machine.

RESOLVED (EIGHT voted FOR and ONE voted AGAINST) that, subject to an appropriate assessment being carried out under the Habitat Regulations for impact on Essex Coast international wildlife designations and any required condition or Section 106 agreement to mitigate the impact of the development, the Assistant Director Policy and Corporate be authorised to approve the planning application and Listed Building Consent subject to the conditions set out in the report.