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## Item No: 8

**Proposal:** Application for approval of reserved matters following outline approval 152493 (Erection of 37 apartments, 2 office units and associated layout, access and parking).

**Location:** Unit 6-7, Unit 6-7, Hawkins Road, Colchester, CO2 8JX

**Ward:** Greenstead

**Officer:** Bradly Heffer

# Planning Committee

Item  
**8**

Date 23<sup>rd</sup> August 2018

<b>Report of</b>	<b>Assistant Director – Policy and Corporate</b>	<b>Author</b>	<b>Bradly Heffer</b>
			<b>01206 506940</b>
<b>Title</b>	<b>Section 106 Agreement in respect of land at 6/7 Hawkins Road Colchester</b>		
<b>Wards affected</b>	<b>Greenstead</b>		

**This report concerns proposed variation of a s106 agreement attached to an approved planning application for a residential and commercial development at Hawkins Road Colchester.**

## 1.0 Decision(s) Required

- 1.1 Members are requested to endorse the officer recommendation to revise the requirements of a s106 agreement secured as part of an outline planning permission for residential/commercial development at a site identified as 6/7 Hawkins Road Colchester.

## 2.0 Reasons for Decision(s)

- 2.1 Following the grant of outline planning permission for the development under application ref. 152493, and the subsequent approval of reserved matters under application 180694, the owner of the site advised that the requirements of the s106 attached to the outline planning permission were not financially viable. A report was produced on behalf of the owner and this has been independently assessed by Chartered Surveyors instructed by officers. The finding of the assessment is that financially the scheme is not viable and cannot support the developer contributions secured under the s.106 agreement..

## 3.0 Alternative Options

- 3.1 The alternative option is not to agree the removal of the identified elements of the agreement, in which case it is anticipated that the approved scheme would not be developed.

## 4.0 Supporting Information

- 4.1 Members are advised that as part of the outline planning permission granted on this site under application ref. 152493 the following elements comprised clauses in a s106 agreement attached to the permission:
- Provision of 20% of the total number of dwellings for affordable housing
  - Education contribution of £73 032 to provide the necessary additional primary school places required as a result of the development.
  - Repair and ongoing maintenance of that part of the river wall contiguous with the site's frontage on the Colne.

- 4.2 Following a grant of outline planning permission the ownership of the application site changed, and a reserved matters planning application was submitted and approved under application ref. 180694 – following consideration at the Planning Committee meeting held on 24<sup>th</sup> May 2018.
- 4.3 Officers were subsequently advised by the owner of the site that the approved scheme was not viable and therefore the provision of the affordable housing, and the education contribution, was not possible. Information explaining this position was submitted and Officers arranged for this to be independently assessed. The findings of this assessment accepted the non-viability of the development and its inability to provide the identified mitigation in the s106 agreement.

## **5.0 Proposals**

- 5.1 In recognising that the scheme is currently not able to provide the affordable housing contribution and the education contribution it is your officer's view that a suitable alteration to the wording of the s106 agreement should be inserted whereby:
- a) After commencement of the approved development, it is completed within a three year period; or
  - b) If the development is not completed within this period the viability is reassessed and, if found to be financially viable, appropriate contributions secured for affordable housing and primary education provision to reflect the viability identified.
- 5.2 Members are advised that the reserved matters planning permission was granted by the Council on 25<sup>th</sup> May 2018. A condition attached to the permission requires that the development is commenced by 25<sup>th</sup> May 2021. In looking to insert these clauses it is considered reasonable to require that a development of 37no. residential units, and 2no. office units, is completed within a three year period. Officers have taken advice on this point. This would ensure that this prominent site within a defined Regeneration Area was redeveloped to secure the Council's strategic aims with regard to East Colchester. If development had not been completed within this time, the second clause listed above would be applicable and would enable the viability of the scheme to be re-assessed.
- 5.3 Members are advised that the third requirement of the current agreement i.e. the repair of the river wall, would still form part of the amended s106 agreement. Infact, the site owner has commissioned a survey report that has identified the need for works to be undertaken. This element of the overall development is significant as it would be linked to the provision of a footway/cycleway across the riverside frontage, which is required by condition.

## **6.0 Strategic Plan References**

- 6.1 The development of this site would help meet aims in the Council's Strategic Plan in that it would develop homes and job opportunities, increase the supply of good quality homes and contribute to the creation of new routes for walking or cycling.

## **7.0 Consultation**

- 7.1 None

## **8.0 Publicity Considerations**

- 8.1 None directly arising from this report.

## **9.0 Financial Implications**

9.1 None directly arising from this report.

## **10.0 Equality, Diversity and Human Rights Implications**

10.1 None directly arising from this report.

## **11.0 Community Safety Implications**

11.1 None directly arising from this report.

## **12.0 Health and Safety Implications**

12.1 None directly arising from this report.

## **13. Risk Management Implications**

13.1 None directly arising from this report.

## **Background Papers**

Assessment of Economic Viability – Development of land at 6/7 Hawkins Road Colchester  
Morley Riches and Abelwhite

Appraisal Document  
Haart Land and New Homes

Unit 6&7 Hawkins Road Colchester – Independent Viability Review  
BPS Chartered Surveyors