

# **Planning Committee**

## **Monday, 11 December 2017**

**Attendees:** Councillor Lyn Barton, Councillor Helen Chuah, 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:**

### **541 Site Visit**

Councillors Barton, Chuah, Higgins, Jarvis, Liddy and Loveland attended the site visit.

### **542 Minutes**

There were no minutes for confirmation at the meeting.

### **543 163196 and 163197 The Rising Sun and Maponite Buildings, 3 Hythe Station Road, Colchester**

The Committee considered a planning application and listed building consent for the conversion of former warehouses and a public house (The Rising Sun) to 27 no. flats, 3 no. commercial units for A1, A2, A3, B1 or D1 Use, 33 No. off-street parking spaces and amenity areas at the Rising Sun and Maponite Buildings, 3 Hythe Station Road, Colchester. The application had been referred to the Committee because it was a major application including a Section 106 agreement and material planning objections had been received. 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.

Bradly Heffer, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. He confirmed that proposed conditions 5 and 21 had been included in error and could be omitted. He further explained that the parking space provision proposed did not entirely comply with the full standard but there was flexibility for a lower number of spaces to be acceptable given the location of the development benefitting from established train and bus links as well as nearby food shopping facilities. He confirmed that the proposals did not provide dedicated parking provision for the commercial units, although there was provision for a commercial loading area, and no specific allocation of spaces had been proposed to the residential units. There was

therefore potential for unused parking spaces to be used by visitors to the commercial units and there was also a public car park sited opposite the development. He also explained that the private amenity space provision proposed was significantly below the amount prescribed in the policy requirements but, given the considerable constraints of the site, this had been accepted as satisfactory.

Members of the Committee welcomed the imaginative proposals to retain and bring back into use these valuable buildings in the historic port conservation area of the town, without compromising the integrity of the buildings. Clarification was sought regarding the possibility of including the provision of electric charging points for vehicles where appropriate, the width of the proposed footpath, renewable energy proposals, refuse and recycling provision and possibility of contamination on site. Reference was made to the conclusions of the viability assessment and whether it was possible to seek the inclusion of an affordable housing element within the scheme.

A number of members of the Committee were concerned about potential for conflict in the future and considered that the parking provision needed to be specifically allocated to the residential units on the basis of one space to each residential unit with the remainder designated for visitors.

The Principal Planning Officer confirmed that the viability assessment had been considered in detail but as the scheme's viability was marginal it had not been considered reasonable to seek the inclusion of affordable housing. Nevertheless, the viability of the scheme would be the subject of a review at a later date, through the required Section 106 agreement, to establish whether mitigation could be secured at that time. He explained that the standard width of 4 metres would be applied to the pedestrian / cycle route and a requirement would also be included in the Section 106 agreement for the river wall to be surveyed and, if necessary, repaired. He confirmed that the Highway Authority was satisfied with the access arrangements for the site. In addition photo-voltaic cells were included in the scheme as well as a cycle storage facilities and a satisfactory method for recycling and refuse collection had been agreed. He confirmed that the groundwork for the scheme was unlikely to involve any significant disturbance and, as such the potential for opening up pollution was unlikely. Nevertheless, the usual land contamination conditions had been included to provide for this eventuality. He was of the view that it would be reasonable to seek the inclusion of electric vehicle charging points within the scheme, if the Committee considered this to be appropriate.

*RESOLVED (UNANIMOUSLY) that –*

(i) The Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet (with the exception of conditions 5 and 21 which were to be omitted) and with additional conditions to provide for the inclusion of electric vehicle charging points within the scheme and the specific allocation of parking spaces on the basis of one space to

each residential unit with the remainder designated for visitors, and with matters of detail to be varied should this prove necessary, 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, in the event that the legal agreement is not signed within six months, authority be delegated to the Assistant Director Policy and Corporate to refuse the application, or otherwise to be authorised to complete the agreement to provide for the following:

- A review mechanism whereby the viability of the scheme is reassessed during the development to determine whether mitigation is payable.
- A requirement that the part of the river wall that is adjacent to the application site be surveyed and, if necessary, repaired as part of the overall works to create the required extension to the riverside footway and cycleway.

(ii) The listed building consent be approved subject to the conditions set out in the report and the amendment sheet.

**544 173000 Pontoon opposite West Mersea Yacht Club, Coast Road, West Mersea**

The Committee considered an application for the variation of condition 3 of planning permission 170230 to allow construction to commence in March 2018 at the Pontoon opposite West Mersea Yacht Club, Coast Road, West Mersea, Colchester. The application had been referred to the Committee because it was a Colchester Borough Council application. The Committee had before it a report and an amendment sheet in which all information was set out.

*RESOLVED* (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and the amendment sheet.

**545 Appeal Decisions Summary - September, October, November 2017**

The Committee considered a report by the Assistant Director Policy and Corporate giving details of ten recent appeal decisions relating to nine developments which had been received between 7 September and 14 November 2017 for applications in the Borough or in neighbouring Local Authority areas, the intention being to enable the Committee members to remain up to date with outcomes, trends and changes so they could further understand how Inspectors were presiding over decisions. The report also included details of a recent Supreme Court decision which had implications nationally for all Planning Committee decisions to approve permissions contrary to officer recommendations. Nine of the appeals had been dismissed and one had been allowed.

Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations. He explained that, as a result of the Supreme Court decision, the practice of the Committee needed to be reviewed so that in future, when the Committee

came to a decision contrary to the officer recommendation, the Committee would need to state full reasons for concluding its view, the various issues considered, the weight given to each factor and the logic for reaching the conclusion and these details also needed to be recorded in the minutes of the meeting.

Members of the Committee welcomed the information provided in the report. In relation to the appeal which had been allowed for a lawful use certificate for the siting of a caravan for ancillary use, a request was made for the use of the caravan to be monitored in the future. Committee members also asked for appropriate guidance to be included in the Committee's procedural arrangements to ensure the recent Supreme Court provisions were adhered to, when necessary.

*RESOLVED* that the contents of the report be noted.