

Planning Committee

Thursday, 15 September 2016

Attendees: Councillor Helen Chuah (Member), Councillor Pauline Hazell (Group Spokesperson), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson)

Substitutes: Councillor Karen Chaplin (for Councillor Lyn Barton), Councillor Michael Lilley (for Councillor Rosalind Scott)

376 Site Visits

Councillors Chuah, Hazell, Jarvis, Liddy and Loveland attended the site visits. Councillor Higgins attended the site visit to Fingringhoe only.

377 Minutes of 25 August 2016

The minutes of the meeting held on 25 August 2016 were confirmed as a correct record.

378 152493 6-7 Hawkins Road, Colchester

The Committee considered a report by the Head of Commercial Services, in accordance with the Committee's Deferral and Recommendation Overturn Procedure which had been invoked by the Committee at its meeting on 4 August 2016 as there was a suggestion that the Committee may be minded to determine the application contrary to the officer's recommendation in the report. The outline application was for 37 apartments, 2 office units and associated layout, access and parking with all other matters reserved at 6 – 7 Hawkins Road, Colchester.

Bradly Heffer, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

The Principal Planning Officer explained that consideration of the application had been deferred at the meeting on 4 August 2016 prior to the Committee voting on a proposal to refuse the application pending the submission of a further report giving details of the possible implications of refusing the application on the grounds of lack of parking / amenity space, excessive density of development and the potential conflict with existing

commercial uses in the area. The Committee had before it the previous report together with an amendment sheet in which all the information was set out, including a late submission from Robinson and Hall LLP, a part of which referred to dealings with Hamblion Transport, the accuracy of which was vigorously disputed by the Managing Director of that company.

Some members of the Committee sought reassurance regarding the continuing operations of the existing commercial undertakings in the area and the potential for noise and disturbance complaints from future residents leading to restrictions being placed on the conduct of long established businesses in the area. As a means to mitigate this potential, the Principal Planning Officer explained that conditions had been proposed requiring noise attenuation. Additionally, future residents would be aware of the existence and operations of commercial premises in the area.

The Major Development and Projects Manager explained that it was not anticipated that the operations of an established storage company would generate noise levels which could constitute a statutory nuisance and, as such, it was unlikely that restrictions on established commercial operations would be imposed. In response to questions regarding financial implications of an appeal, he further explained that he did not consider there was substantive evidence to support a refusal of the application and, as such, the Council would be liable for costs which could be considerable, bearing in mind the use of Barristers and, ;potentially, Queen's Counsel.

In accordance with the Deferral and Recommendation Overturn Procedure, the Chairman invited the Committee to vote on the proposal to refuse the application. The proposal was lost (NONE voted FOR, EIGHT voted AGAINST and TWO ABSTAINED).

In the light of the additional information presented at the meeting, a Motion to approve the application, subject to the conditions set out in the report, was then proposed and seconded.

RESOLVED (EIGHT voted FOR, ONE voted AGAINST and ONE ABSTAINED) that the Head of Commercial Services be authorised to approve the planning application subject to the conditions set out in the report 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 Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for:

- A contribution of £73,032 to be used towards provision of additional primary school places to serve the needs of the development;
- 20% affordable housing provision;
- Repair and ongoing maintenance of that part of the river wall contiguous with the site's frontage onto the River Colne.

379 160103 Former Bus Depot, Magdalen Street, Colchester

Councillor Higgins (by reason of her having expressed a prejudicial view on the application) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination.

The Deputy Chairman, Councillor Liddy, here took the Chair.

The Committee considered a report by the Head of Commercial Services, in accordance with the Committee's Deferral and Recommendation Overturn Procedure which had been invoked by the Committee at its meeting on 17 March 2016 as there was a suggestion that the Committee may be minded to determine the application contrary to the officer's recommendation in the report. The application was for the demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across five blocks of one, two, three and four storeys to provide 230 bedspaces (59 cluster flats and 17 studio flats), communal facilities (to include bin stores, cycle stores, site management office, gym and communal amenity areas) as well as undercroft car park (20 car parking spaces), landscaping and a new public pathway through the site at the former Bus Depot, Magdalen Street, Colchester. 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.

In view of the date of the previous consideration of the application, all members of the Committee confirmed that they had listened to the audio recording of the Planning Committee meeting on 17 March 2016.

Sue Jackson, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

The Principal Planning Officer explained that consideration of the application had been deferred at the meeting on 17 March 2016 prior to the Committee voting on a proposal to refuse the application pending the submission of a further report giving details of the risks to the Council, the financial implications, possible reasons for refusal as well as advice on whether representations constituted evidence to support reasons for refusal and proposed provisions to be included in an Accommodation Management Plan to address instances of noise, disturbance and littering. The report before the Committee set out the detailed information requested together with the previous report in full and an amendment sheet setting out provisions of the legal agreement which would require revision.

Some members of the Committee sought reassurance regarding the legal status of the Management Plan and acknowledged the potential for the proposal to be a welcome opportunity for the redevelopment of the site.

The Major Development and Projects Manager explained that the proposed use would generate relatively few vehicular movements and, as such, would acknowledge the limitations as a consequence of the site's location in an air quality management zone. In addition, he considered the quasi-residential use proposed and the security arrangements detailed in the Accommodation Management Plan, together with the establishment of a Joint Committee involving ward councillors, would provide a greater level of control than would be true of a typical residential use of the site. He further explained that the Management Plan would be legally binding as it formed part of the Section 106 agreement for the site.

Members of the Committee were generally of the view that the applicants had adequately demonstrated their willingness to address the Committee's concerns in relation to the nearby residents of the Almshouses.

In accordance with the Deferral and Recommendation Overturn Procedure, the Deputy Chairman invited the Committee to vote on the proposal to refuse the application. The proposal was lost (UNANIMOUSLY).

In the light of the additional information presented at the meeting, a Motion to approve the application, subject to the conditions set out in the report, was then proposed and seconded.

RESOLVED (UNANIMOUSLY) that the Head of Commercial Services be authorised to approve the planning application subject to the conditions set out in the original report, as amended in the second report and in 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, in the event that the legal agreement is not signed within six months authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for:

- Restrict occupancy to students in tertiary full-time education;
- Agreement to employ an on-site manager(s) and for there to be a 24/7 presence onsite;
- Travel Plan, a Travel Plan Co-ordinator to be employed and Travel Plan to be regularly monitored by the Council;
- Details of an Operational Management Plan (for management of parking on site, loading bay, student arrivals and departures);
- Details of Maintenance Company responsible for all communal areas/refuse areas;
- An Ecological Clerk Of Works to be employed;

- Buses upgrade with a catalytic reduction system;
- Provision of a scheme of CCTV and link to Colchester Borough Council network;
- Upgrade to a bus stop to current Essex County Council specification, including real time;
- Passenger information;
- Pedestrian path from Magdalen Street to Military Road to be available for public use in perpetuity between dawn to dusk (for pedestrian and pedestrians wheeling bicycles) and agreement that this path will not be used as a vehicular through route but only by emergency vehicles;
- Agreement that students will not to be granted residents' parking permits;
- Agreement that those students that are not eligible for an on-site parking space will be required to sign a lease that includes a clause preventing them from bringing a vehicle to Colchester whilst they are living at the approved development;
- Provision of electrical heating;
- Provision of two Electric Vehicle (EV) charging points;
- Provision of mechanical ventilation for units in blocks A and C;
- Prevent use of flat roofs except for maintenance purposes.

380 162005 Land west of Stanway Western Bypass and north of London Road, Stanway

The Chairman, Councillor Higgins, here resumed the Chair.

The Committee considered an application for the removal or variation of condition 8 following the grant of planning permission 150945 at land west of Stanway Western Bypass and north of London Road, Stanway. The application had been referred to the Committee because it was a major application and objections had been received. The Committee had before it a report in which all the information was set out.

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

381 161503 Rennie Cottage, Chapel Road, Fingringhoe

The Committee considered an application for the demolition of an ex-domestic outbuilding and replacement with a garage and workshop building at Rennie Cottage, Chapel Lane, Fingringhoe. The application had been referred to the Committee because it had been called in by Councillor Davidson. The Committee had before it a report in which all the information was set out.

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

382 161849 1 Line Cottages, Straight Road, Boxted

The Committee considered an application for a front extension at 1 Line Cottages, Straight Road, Boxted. The application had been referred to the Committee because the agent was employed by the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

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

383 162049 7 Whitefriars Way, Colchester

The Committee considered an application for a single storey extension at 7 Whitefriars Way, Colchester. The application had been referred to the Committee because the agent was employed by the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

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