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Item No: 7.4

Application: 192893

Applicant: Mrs Beverly Davies

Agent: David MacDougall, Inkpen Downie Architecture & Design Ltd

Proposal: Extending and remodelling storage facilities.

Location: 329 Straight Road, Colchester, CO3 9BT

Ward: Prettygate

Officer: Annabel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is a Councillor at Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale and form of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy and impact of the parking provision of the community centre.
- 2.2 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

- 3.1 The site is with the settlement boundary in a predominately residential area. 329 Straight Road is a community centre with associated parking. The site has one access point from Straight Road.

4.0 Description of the Proposal

- 4.1 The proposal is for a ground floor extension and remodelling of the storage facilities as well as providing disabled access and steps.

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 There is no site history that is particularly relevant to the decision regarding this proposed development.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD3 - Community Facilities
UR2 - Built Design and Character
TA5 - Parking

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP4 Community Facilities
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 There are no relevant policies within the adopted Borough Site Allocations Policies (adopted 2010, amended 2014).

- 7.5 There is no relevant Neighbourhood Plan.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF in this case.

- 7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Community Facilities
Sustainable Construction

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Environmental Protection

No objection subject to condition to limit the hours of demolition/construction, as well as informatives regarding responsibilities in respect of contamination and control of pollution during construction and demolition works.

8.3 Archaeology

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

- 9.1 The Parish Council have not objected to the proposal.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below:

- 10.2 One comment from a third party has been received, summary of the points raised:

- Concerns with regards to construction traffic.
- The potential impact on the parking provision of the centre and consequently parking within the wider local area.
- Enquired as to whether there would be a change of use associated with the alterations.

10.3 *Planning Officer comment:*

- Impact on parking provision has been assessed please see *section 11 of this report*.
- A construction management plan is will be conditioned.
- The application does not include any change of use.

11.0 Parking Provision

11.1 The parking provision of the site will not be impacted. The parking spaces currently located closest to the proposed extension and ramp will likely have to be moved back marginally from their current position however there is a considerable amount of space in the car park for this to be achieved without impacting the parking provision of the site or manoeuvrability into or out off any of the parking spaces.

11.2 With regards to the concerns about the construction traffic and impact on the parking during the construction phase a condition will be imposed to ensure that the construction period is planned to limit and mitigate any harm.

12.0 Accessibility

12.1 The site includes the provision of a new ramp to allow access to the community centre.

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

16.1 The main issues in this case are:

- The Principle of Development
- Design, scale and form
- Parking Provision
- Impacts on Neighbouring Properties

Principle of Development

- 16.2 Community facilities are an essential element of sustainable communities providing for education, child care, health, culture, recreation, religion and policing. The Council wishes to protect viable community facilities and services that play an important role in the social infrastructure of the area and support sustainable communities. The Straight Road Community Centre is important within the local community.
- 16.3 Core Policy SD3 and Development Policy DP4 state that the Council supports the retention and enhancement of existing community facilities. The proposed extension is considered to be an enhancement of the existing community facility and is therefore considered to be acceptable.
- 16.4 Development Policy DP18 states that proposals shall incorporate satisfactory and appropriate provision for pedestrians, including disabled persons and those with impaired mobility. The introduction of the disabled access ramp is therefore supported.

Design, scale and form

- 16.5 The extension is an infill development on the ground floor and is modest in scale. The proposed extension is designed to appear as a subservient addition and is complimentary to the existing building and therefore is considered to be acceptable. The proposed materials are to match the existing. Therefore, the proposed complies with Development Policy DP1 and Core Strategy policy UR2 in that the proposed is considered to be of high-quality design that is useable and accessible. The materials for the ramp have not been fully addressed in the submitted material and will be dealt with via a condition.

Parking Provision

- 16.6 The parking provision of the site will not be impacted. The parking spaces currently closest to the proposed extension and ramp will likely have to be moved back marginally from their current position however there is a considerable amount of space on the car park for this to be achieved without impacting the parking provision or manoeuvrability into or out of any of the parking spaces.
- 16.7 With regards to the concerns about the construction traffic and impact on the parking during the construction phase a condition will be imposed to ensure that the construction period is planned to limit and mitigate any harm.

Impact on neighbouring dwellings

- 16.8 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.

- 16.9 The proposed development would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45-degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.
- 16.10 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached, and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide.
- 16.11 The proposal does not include any new windows on the first-floor level that would result in an unacceptable impact of neighbour privacy.
- 16.12 The extension of the facility is modest and is not considered to significantly intensify the use of the site therefore it is considered that there would be no adverse impact with regards to security, noise or disturbance.
- 16.13 Environmental protection have recommended a number of conditions that will be imposed to protect the amenity of neighbouring residents during the construction phase of the development.

17.0 Conclusion

- 17.1 To summarise, the proposed development fully accords with the Council's policy requirements.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1) Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2) Approved documents

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: A-1917-PL- 02, A-1917-PL-03A, A-1917-PL-04, A-1917-PL-05, A-1917-S-02 and A- 1917-S-03 indexed 29 November 2019.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3) Materials to match

The external facing and roofing materials of the extension hereby approved shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

4) Ramp materials to be agreed

No materials shall be used in the construction of the access ramp hereby permitted until precise details of the types and colours of materials to be used has been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

5) Construction Management Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;

hours of deliveries;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

6) Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

19.0 Informatives

19.1 The following informatives are also recommended:

(1) Land Contamination – Ground Gas Risks Informative

The applicant is advised that the site to which this planning permission relates is recorded as being within 250 metres of filled land. Prior to commencement of the permitted development the applicant is therefore advised to satisfy themselves that there are no unacceptable risks to the permitted development from any ground gases. Where appropriate, this should be considered as a part of the design of the foundations (and may be required under Building Regulations). As a minimum, any ground gas protection measures should equal those in the main building and not compromise the effectiveness of existing gas protection measures. The Local Planning Authority has determined the application on the basis of the information

available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

(2) ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.