



The Ordnance Survey map data included within this publication is provided by Colchester City Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

## Item No: 7.2

**Application:** 222817

**Applicant:** Colchester Borough Council

**Agent:** Mr Grant Polkinghorne

**Proposal:** Change of use of the upper parts of 14-15 Osborne Street only from C3 to storage / office space which is to be ancillary to ground floor retail use currently also now let to a Funeral Directors.

**Location:** Eustace King, 14-15 Osborne Street, Colchester, CO2 7DP

**Ward:** Castle

**Officer:** Hayleigh Parker Haines

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee as the Applicant is Amphora Homes which is part of the City Council

## **2.0 Synopsis**

- 2.1 The key issue for consideration is whether the principle of converting the first floor of the building from residential to commercial (storage and office) is acceptable
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application site sits to the northern side of Osborne Street, adjacent to Colchester Bus Station within the Colchester Area 1 Conservation Area and the Roman Wall (scheduled monument) lies to the north beyond a public car park.

## **4.0 Description of the Proposal**

- 4.1 Planning permission is sought for the change of use of the first floor accommodation (currently a two bedroom flat) to a storage area/office (Use Class E – Commercial, Business and Service) used in association with the ground floor ‘retail’ use (currently funeral directors which falls within old use class A1 and new Class E)

## **5.0 Land Use Allocation**

- 5.1 The application site falls within the Town Centre with the ground floor benefitting from an established lawful use as Class E (Commercial, Business and Service) which was previously use Class A1.

## **6.0 Relevant Planning History**

- 6.1 Planning Application 93/0137 granted permission for the Demolition of rear section and erection of two storey rear extension and internal alterations - to be used as a funeral reception office.

## **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 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP5 Employment
- SP7 Place Shaping Principles

## 7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG1 Colchester's Spatial Strategy  
SG6 Town Centre Uses  
ENV1 Environment  
TC1 Town Centre Policy and Hierarchy  
DM15 Design and Amenity  
DM16 Historic Environment  
DM20 Promoting Sustainable Transport and Changing Travel Behaviour  
DM21 Sustainable Access to development  
DM22 Parking

7.4 Some "allocated sites" also have specific policies applicable to them. The adopted local plan policies set out below are of direct relevance to the decision making process – None relevant

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

The Essex Design Guide  
EPOA Vehicle Parking Standards  
Town Centre Public Realm Strategy

## 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 The Historic Buildings and Areas Officer has raised no objection to the proposal.

8.3 The Contaminated Land Officer has raised no objections

8.4 Environmental Protection have raised no objections.

8.5 Essex County Council Highways has raised no objection.

## **9.0 Parish Council Response**

9.1 Non-Parished

## **10.0 Representations from Notified Parties**

10.1 The application has not received any interest from notified parties.

## **11.0 Parking Provision**

11.1 The proposal does not provide staff or customer parking however, given the highly sustainable location, the proximity of public car parks and that the proposed use is to be ancillary to the existing use at ground floor, this is considered acceptable in this instance

## **12.0 Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of potential direct or indirect discrimination.

## **13.0 Open Space Provisions**

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

## **14.0 Air Quality**

14.1 The site is within an Air Quality Management Area and will not generate significant adverse 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**

### **Principle of Development**

16.1 The application site falls within the Town Centre policy area (now City Centre), Policy TC1 advises that this area is the priority focus for new Town Centre Uses and the Local Planning Authority will encourage development which is focused on retail and supporting leisure, culture and restaurant/café uses to enhance the

City's role as a sub-regional shopping and leisure destination and important tourist destination.

16.2 It is noted that the proposal would result in the loss of a residential two bedroom property. The Council's latest published Housing Land Supply Annual Position Statement (July 2023) demonstrates a housing supply of 5,074 dwellings which equates to 5.25 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied) which was calculated using the Standard Methodology. This relates to the monitoring period covering 2022/2023 through to 2025/2026. Colchester City as a whole is currently benefitting from a number of large schemes providing a number of affordable and market dwellings and therefore, it is not considered that the loss of this dwelling would have a significant impact on the City's supply of homes. The surrounding area comprises of a mixture of uses. Given that the proposal is not considered to have a significant impact on the supply of homes within the area and that the proposed use would be ancillary to the existing use at ground floor it is considered the principle of development is acceptable in this instance. Other material considerations are discussed below

#### Other Matters

16.3 There are no residential uses within overly close proximity to the site and the proposed use is not considered to generate excessive noise. On this basis, the proposal raises no concerns relating to residential amenity.

16.4 The proposed change of use under this application would not result in any external alterations and therefore, there are no objections in respect of design and impact on character and appearance of the site and surrounding area. Furthermore, given that the ground floor is to remain commercial alongside the lack of external alterations proposed under this application, it is considered that the proposal would have a negligible impact on the significance of the Conservation Area and nearby non-designated heritage assets.

16.5 Due to the nature of the application and its assessment against the information submitted, it is considered necessary to include a condition ensuring that the proposed building is to be used solely as an office associated with the professional service to which it is to serve, in this instance this would fall within use class E g) i), to ensure that the development remains acceptable in perpetuity in relation to the above material considerations.

### **17.0 Planning Balance and Conclusion**

17.1 Taking into account, the above assessment it is considered that the proposed change of use would be acceptable in this location.

### **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

## **1. ZAA - 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. ZAM – Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 1415OSP and Plan 1 Site Plan (Location Plan)

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

## **3. Clarifying the Use**

The change of use hereby approved shall be used solely for office based, administrative duties and storage (Class E, subsection g) i) and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further consideration to the impacts of a different use at this site at such a time as any future change of use were to be proposed.

## **Informatives**

The following informative is also recommended:

### **ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester City Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.