



Application No: 152755

Location: Winsleys House, High Street, Colchester, CO1 1UG

Scale (approx): 1:1250

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7.8 Case Officer: Carl Allen**MINOR****Site:** Winsleys House, High Street, Colchester, CO1 1UG**Application No:** 152755**Date Received:** 4 January 2016**Agent:** Godden & Rudling Building Services Ltd**Applicant:** Mrs Tracy Rudling**Development:** Proposed timber framed and timber shiplap clad mobile scooter enclosure.**Ward:** Castle**Summary of Recommendation:** Conditional Approval**1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because Cllr Laws has called the application for the following reasons ‘..I am concerned about its impact on crime and fear of crime for neighbouring Greyfriars Court Residential Development. This is because the use the new structure could result in increased number of people accessing the site which is currently secured by locked gates. Lots of people accessing this structure has the potential to compromise the security for the nearby residents should the gates not be secured when used. I have also some Health and Safety concerns about the new structure because of the fire risks associated with timber and given the proposed structure is to store battery powered motor vehicle devices’.

2.0 Synopsis

- 2.1 The key issues explored below are that of the impact on the setting of the Listed Building and Conservation Area, the local amenity and the design.

3.0 Site Description and Context

- 3.1 Winsleys House is a Grade II Listed Building with a frontage onto the High Street. The building is used by the Colchester Community Voluntary Services. The attached neighbour to the east is Greyfriars (also Listed) whilst Gate House is attached to the west. To the north is the rear yard of Winsleys House with a brick wall forming the boundary with the residential development of Greyfriars Court beyond. The site is in the Conservation Area.

4.0 Description of the Proposal

- 4.1 The proposal is for a detached outbuilding that would be used as a mobility scooter store. The proposed building would be single-storey and 7m long, 2.5m wide and 2.5m high. The building would have a brick plinth with shiplap boarding for walls and mineral felt roofing. The proposed outbuilding would be located in the rear yard, approximately 1.5m from the rear of Winsleys House and 0.4m from the boundary wall with Greyfriars Court.

5.0 Land Use Allocation

- 5.1 Mixed Use.

6.0 Relevant Planning History

- 6.1 Nothing that relates directly to this proposal.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP14 Historic Environment Assets

- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Conservation Officer – No objection but have concerned that the concrete slab directly next to the Grade I Listed Building next door might aggravate any risk of dampness and potentially cause rot. There should be a breather gap between the shed and the wall. This could be made up of a breathable floor detail so that the shed can go adjacent to the wall.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 N/A

10.0 Representations

- 10.1 23 objections received. Object due to:

- Visual impact
- loss of view of Grade I and II Listed Buildings
- the design and position would have significant impact on the rear elevations of Winsleys House and Gate House
- harmful effect on the Conservation Area
- does not preserve the Conservation Area or the setting of the Listed Buildings
- unsympathetic design
- intrusive in the location
- not in keeping with the character and style of neighbours
- height would be at least 700mm above the wall and visible to 12 flats of Greyfriars Court
- not clear if it would be used for storage or an extension to the office
- would be a change of use to a commercial distribution centre for mobility scooters and would be a further deterioration in security and increase intrusion into the gated residential development of Greyfriars Court.
- CCVS will not be able to test scooters in Greyfriars Court
- will increase noise, vehicle movement and footfall in Greyfriars Court
- any increase in hours will increase noise
- lifestyle will change due to intrusion of general public
- will encourage the public who wish to hire collapsible scooters that fit into cars to use the Greyfriars Court estate road
- roadway is a shared between vehicles and pedestrians and is not lit
- increase in traffic will be a danger to residents of Greyfriars Court
- no access for scooters from High Street
- concerned over fire risk from batteries being charged needs design from guidance from Fire Protection Association
- will increase wear and tear on electric gates
- if public are given security code for gates the insurance premium will increase
- will impact on light to their windows and garden
- people would climb over the store and break into their property

- if approved need to condition external colour
- any electric cables should not be attached to Gate House

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

11.1 No change.

12.0 Open Space Provisions

12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 With regards to amenity, concern has been raised that the proposal would reduce light to the neighbours window and garden. The immediate residential neighbour is Gate House to the west of the proposed shed. Whilst the shed would be located close to the neighbour, the height and orientation means that any overshadowing would be minor and only for a short period in the early morning. It also had to be considered that the proposed height would be 0.7m higher than the existing boundary wall and would be positioned approximately 0.5m away from the boundary wall and this would lessen the potential for an increase in overshadowing significantly. The proposal is therefore acceptable in amenity terms and accords with DP1.

15.2 Winsleys House and the adjacent Gate House are both Listed Buildings so the impact on the setting of the Listed Buildings is a key consideration. The proposed store would be located fairly close to the rear elevation of Winsleys House and its UPVC conservatory, so the part of the Listed Building that would be become obscured from outside the site has little historical interest. It is noted that the Conservation Officer has no objection but has requested a condition concerning the concrete pad due to how it may impact on dampness to Gate House. With such a condition there would be no structural impact to Gate House. The proposed materials, together with the design and scale of the building would not have any negative impact on the setting of the Listed Buildings or the wider Conservation Area. The proposal therefore complies with policies UR2, DP1 and DP14. It would be prudent to condition information on the finished colour of the external materials.

- 15.3 Many objectors have cited issues related to access through Greyfriars Court as a major concern. It has to be remembered that planning cannot make judgements on issues of a private right of access and is not therefore a planning consideration.
- 15.4 With regards to concerns about fire, this is a matter for Building Regulations but it is noted that timber can be treated to be fire resistant and there are (non-planning) regulations in place that control external material in close proximity to boundaries. This is not therefore a matter for Planning. There has also been concern raised about security. This is not held to be an issue that warrants the refusal of this application.
- 15.5 Objections have been raised that the proposal would result in the loss of a view of the Listed Buildings. The only view that would be lost would be a small part of the rear of Winsleys House and Gate House, the vast majority of the rear elevations would unobscured by the proposal. It also has to be remembered that the loss of a private view is not a justified reason to refuse an application and in reality is it only the flats of Greyfriars Court that could have any view of the proposal – not the general public. There is no increase in operational hours being proposed.
- 15.6 Matters that are not Planning concerns include the loss of a private view, the increase in wear and tear on the gates and the risk of fire. Many objectors have raised the fire risk from charging scooters in the proposed building. However, this is not a planning matter and would be covered by Building Regulations and Health and Safety.

16.0 Conclusion

- 16.1 The proposal would not result in any amenity issues, the design is acceptable and would not impact on the setting of the Listed Buildings or impact on the Conservation Area.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 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 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers CCVS01 and CCVS02 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Non-Standard Condition/Reason

No works shall take place until samples of the materials (including colour of paintwork and colourwash) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In order to preserve the historic character of the listed building.

4 - Non-Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5 - Non-Standard Condition/Reason

No development shall commence until full and precise details of a breather gap between the hereby approved shed and the boundary wall has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety.

Reason: In order to preserve the historic character of the listed building.

19.0 Informatives

(1) **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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(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. Please pay particular attention to these requirements.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.