



Application No: 161543

Location: Town & Country Lighting Ltd, 61-65, North Station Road, Colchester, CO1 1RQ

Scale (approx): 1:1250

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7.6 Case Officer: James Ryan

Due Date: 28/10/2016

Site: Town & Country Lighting Ltd., 61-65, North Station Road, Colchester, CO1 1RQ

Application No: 161543

Date Received: 29 June 2016

Agent: Mr Alan Green, A9 Architecture

Applicant: Mr Ansar Ali

Development: Retention of existing ground floor retail and construction of 2 storey block containing 9 flats on existing roof.

Ward: Castle

Summary of Development: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Nick Barlow for the following reason:

The application has insufficient provision of parking spaces in an area with an already oversubscribed residents' parking scheme. Residents of adjoining properties in Albert Street have raised concerns about overshadowing, overlooking and the effects of development on their property that need to be heard and considered by the Planning Committee.

2.0 Synopsis

- 2.1 The key issues explored below are the impact the scheme will have on the character of the area and on neighboring amenity. It is held that whilst this scheme provides two extra flats than the approved scheme, the amended proposal pulls the mass of the building away from the neighbours to the rear in Albert Street and therefore, on balance, it is acceptable.

3.0 Site Description and Context

- 3.1 61 – 65 North Station Road is a single-storey retail unit which is attached to another retail unit to the north. The site shares a strong design bond with several Locally Listed Buildings elsewhere in Colchester (that were previously Co-op buildings). Since the last application to extend this building was determined it has been added to the council's Local List in recognition of its architectural distinction and historic association with the town. It is one of a small number of buildings in the Borough built to provide Colchester Co-operative Society shops and designed by Goodey and Gressall. This example dates to around 1924 and the three shops originally were a grocer, confectioner and butcher.

- 3.2 The front façade is clad in creamy coloured faience, mimicking stone. The pilasters have art-deco enrichment, matching the original shopfront which survives intact. The inset entrance doors with their canted flank walls give additional interest to the shopfront. Although it is unlikely that the original raised lettering or divisions across the fascia survive, the building is nevertheless well preserved and its quality is worthy of recognition.
- 3.3 To the east of the site is the rear elevation with a small car parking area, a boundary wall and an access path that runs along the rear gardens of the dwellings in Albert Street. To the south is the vehicle access to the rear and then another retail unit (with flats above) beyond. The west elevation fronts North Station Road. The site is not in a Conservation Area.

4.0 Description of the Proposal

- 4.1 Retention of existing ground floor retail is proposed along with the construction of a two storey block containing nine flats on the existing roof.

5.0 Land Use Allocation

- 5.1 Mixed use.

6.0 Relevant Planning History

- 6.1 The planning history most relevant to this scheme is the approved scheme 146287 for 7 flats over one and part two floors on the roof of the existing unit. Application for 9 flats with full depth first and second floors (152408) was withdrawn following this.

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:

SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2a - Town Centre
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA2 - Walking and Cycling

TA5 - Parking

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP6 Colchester Town Centre Uses
DP11 Flat Conversions
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards

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

Backland and Infill
Vehicle Parking Standards
The Essex Design Guide
External Materials in New Developments
Cycling Delivery Strategy

8.0 Consultations

- 8.1 Locum Historic Buildings Officer: This is an unlisted building near, but not adjacent to, the Globe Hotel, listed Grade II. The proposal is to add upper storeys to the existing building. The proposed works would have some visual impact on the setting of the listed building, but I do not consider that this would be particularly detrimental. The new storeys would conceal some of the southern flank of the LB, as seen from the south, but this aspect of the LB is far from attractive, having a utilitarian, “service” character, with bare brick walls and prominent waste pipes. Its original character has long ago been compromised by the surrounding development of North Station Road. I have no objections to the proposal on conservation grounds.
- 8.2 Environmental Protection: No objection subject to conditions.
- 8.3 Highway Authority: No objection.

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 Non-Parished

10.0 Representations

- 10.1 Seventeen objections have been received. Some are from duplicate addresses as there have been two sets of amended drawings consulted on. At the time of writing, five were received after the last re-consultation.

It is beyond the scope of this report to set out the issues in full and the complete representation can be read on the website, however the objections can be summarised as follows::

- The scheme causes harmful overlooking.
- The scheme will cause harmful oppressiveness
- Scheme will block light to garden and will cause overshadowing
- The scheme will put off house sales in the area.
- The scheme amounts to overdevelopment.
- There is nowhere near enough parking on site.
- The scheme will create pollution.
- The scheme may increase resident parking permits requests by 14 and will put more pressure on Albert St and North Station Rd.
- More residents will result in more noise and disturbance in the area.
- This scheme may require a tree in a neighbour's garden to be removed due to it being a nuisance to the developers.
- Some properties in Albert St are rented – have the owners been notified?
- Will wall at end of garden remain?
- The scheme should protect the Victorian area.
- A Construction Method Statement should be required.

- 10.2 Many of these issues will be dealt with in the main body of the report and many relate to the principle of development which has previously been secured. However, in response: The issue of the proposal making property harder to sell in Albert Street is not a planning consideration. All adjoining dwellings have been consulted – if they are rented then it is the tenants' responsibility to notify the owner of the consultation letter. The site may have some Victorian buildings but it is not in a Conservation Area or an Article 4 area and it is considered that the proposed design is very respectful of the host building and the area. With regards to customers' cars blocking accesses, there are very few private accesses in the area and drivers would have to comply with parking restrictions and so on. The proposal is held to be an improvement in impact on the amenity of the neighbours when compared to the approved scheme. The current scheme does not amount to overdevelopment. There are no plans to remove the wall. The possible removal of a tree off-site would not warrant a refusal of this scheme. A Construction Method Statement condition was not imposed on the last approval and Environmental Protection has not asked for one this time so it would be unreasonable to impose it now. Environmental Protection has requested a working times condition which will be imposed.

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

11.0 Parking Provision

- 11.1 As with the previous approval, this scheme provides limited parking, however in this sustainable location close to the town centre, bus routes and train station this is considered to be acceptable. Cycle parking is proposed and will be conditioned.

12.0 Open Space Provisions

- 12.1 This application does not generate any open space requirements. The site does not provide on-site amenity space. However, in this location that is a short walk to King's Meadow, Castle Park and the River Colne and surrounding open space, this is considered to be acceptable.

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

Design, Scale, Height and Massing:

- 15.1 The unit is neither Listed nor in a Conservation Area, nonetheless the building's design is rather attractive and follows the form of several other Locally-Listed buildings in Colchester. Since the last approval the building has been added to the local list.
- 15.2 The proposal would replace the one retail unit on the ground floor with three units and would add a further two floors of residential accommodation.
- 15.3 The attached unit to the north is two-storey, whilst the next building to the north is the three-storey Globe Hotel (which is listed). The building to the south is three-storey. The proposed front elevation would appear as a two-storey building with the first floor recessed a little from the existing frontage. The proposed third-storey would be some distance behind the building's main edge (6 metres from the front and almost 7 metres from the back) and it would not make the proposal read as a cliff-like three-storey building in the street-scene.
- 15.4 The design as approved in application 146287 was subject to changes that were agreed with the in-house heritage team. This scheme proposes two additional flats at second floor level in a similar style, but with an internal re-jig to allow the removal of the previously approved rearmost second floor flat. The design has a strong connection to the host building and complements it very well from the front and rear. It is considered that this scheme is acceptable in terms of policy UR2, DP1 and DP14 and does not harm the locally listed building.

Level of Development:

- 15.5 This proposal forms a dense and urban type of development. Rooms are relatively small and the internal layout is somewhat contrived. On balance, however this is not considered to result in material harm to the future occupiers to the point that warrants a refusal.

Impact on the Surrounding Area:

- 15.6 It is held that, as amended, the scheme will have a neutral impact on the surrounding area and, as set out in the relevant consultation response, the in-house heritage team does not consider its impact on the setting of the listed building to the north to be harmful either.

Impacts on Neighbouring Properties

- 15.7 Officers have sought amendments to this scheme to improve the relationship to neighbour dwellings and particularly those that back on to the site from Albert Gardens.
- 15.8 Application 146287 approved a similar first floor and also second floor flat to the rear of the site. This created a block of built form almost hard up to the gardens of the dwellings in Albert Street. It did not provide much visual relief in terms of outlook from these small, but well used, gardens and would have loomed over them to a certain degree.
- 15.9 As part of the negotiation process, the second floor flat to the rear has been removed and as amended the two flats at second floor level have been pulled forward and hence away from the neighbours to the rear. The new second floor does sit at a slightly higher level than before.
- 15.10 It is held, therefore, that whilst this scheme provides an extra two flats on site, notwithstanding neighbours' representations (many of which predate this amendment), the amended scheme is actually held to be beneficial to the neighbours in terms of oppressiveness. This is because the massing of the building steps away from the neighbours, which will provide greater visual relief than the approved scheme.
- 15.11 The scheme is not held to cause materially harmful overlooking as the agent has confirmed that rear facing windows can be obscure glazed. As the site is located to the west of the dwellings in Albert Street, this scheme will have very limited impact in terms of overshadowing to these gardens for much of the day. If there is any impact it will relate to the winter evening sun when the sun's angle is acute and at this time the scheme will have little difference to that already approved.

Amenity Provisions:

- 15.12 As set out above, and as with the approved scheme, little outside private space is being provided, but the proposal is in an area where many flats do not have any outside amenity space. However, King's Meadow and the Castle Park are in very close proximity as well as Leisure World. So on balance the proposal is acceptable.

Highway Issues:

- 15.13 Many comments have been received regarding parking provision. Two car parking spaces would be provided – which is far short of the Parking Standards, however the site is in a highly sustainable location – being close to North Station, bus stops, shops and services on the doorstep and the town centre. This sustainable location is considered acceptable for the scheme to have reduced car parking spaces, especially given the cycle store provision and the fact that the flats would be small, one-bed flats (so may not attract those with more disposable income who can run a car). The Highway Authority has not raised an objection to the proposal.
- 15.14 With the approved application 146287 the Officer discussed the issue of parking permits with Parking Partnership and they have confirmed that capacity is considered before issuing any new permits to new dwellings. This is equally relevant with this re-submission. Albert Street is part of the wider F1 parking area and these residents can also park in F2 as well. Therefore any requests for parking permits would not result in pressure on Albert St alone. Given these considerations, the proposal would be in broad accordance with the aims of DP19. The Highway Authority's request for a condition for a sustainable transport plan is not considered reasonable given that the site is in a clearly sustainable location.

The Ground Floor Retail Use:

- 15.15 As with the approved plan, the retail units would continue to be provided at ground floor – making three units out of the one large unit. This is acceptable and is held to comply with DP7.

16.0 Conclusion

- 16.1 This resubmitted scheme proposes two more flats than the last approval and following negotiations is now of a design that will cause less material harm to neighbouring amenity than the approved scheme 146287. This is because the second floor, whilst wider, has been pulled away from the rear elevation and will appear as less 'cliff-like' to the neighbours in Albert Street. On balance it is held to be an improvement in neighbouring amenity terms.
- 16.2 The scheme is similar in design terms to that previously approved and is held to have a neutral impact on the street-scene. It is a rather dense form of development, but on balance does not amount to overdevelopment and provides two additional units to the Council's housing stock. The commercial element on the ground floor also remains. This scheme therefore complies with the strong steer for residential and economic development as set out in the NPPF and PPG. It is also held to comply with the Development Plan.

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 30, 21, 32B and 34B.

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 precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have 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.

4 - Non-Standard Condition/Reason

No works shall commence on site until details of all new external WINDOW AND DOOR JOINERY AND/OR METAL FRAMED GLAZING have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the approved works are carried out without detriment to the character and appearance of the building where there is insufficient information within the submitted application.

5 - Non-Standard Condition/Reason

The windows at first and second floor level on the rear elevation shall be non-opening below 1.7m above finished floor level and glazed to a minimum of level 4 obscurity on the Pilkington scale before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

6 - Non-Standard Condition/Reason

Prior to the first OCCUPATION of the development, the bicycle parking facilities indicated on the approved plans shall be provided and made available for use. These facilities shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

7 -Non-Standard Condition/Reason

The first and second floor side (south) facing windows shall be fitted with an obscure screen to prevent views into the rear gardens of the properties in Albert Street. Details of the screen shall be submitted to and agreed in writing by the Local Planning Authority and only the approved details shall be installed and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent lateral overlooking into the immediate gardens of the neighbours in Albert Street, in the interest of the local amenity.

8 - Non-Standard Condition/Reason

The units on the ground floor shall be used for retail purposes only as defined in the Use Class Order and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

9 - Non-Standard Condition/Reason

The ground floor use hereby permitted shall not OPERATE outside of the following times:

Weekdays: 8am to 6pm

Saturdays: 8am to 6pm

Sundays and Public Holidays: 10am to 4pm.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

10 - Non-Standard Condition/Reason

No deliveries shall be received at, or dispatched from, the site outside of the following times:

Weekdays: 8am to 6pm

Saturdays: 8am to 6pm

Sundays and Public Holidays: 10am to 4pm

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

11 - Non-Standard Condition/Reason

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

12 - Non-Standard Condition/Reason

All residential units shall be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

13 - Non-Standard Condition/Reason

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

Weekdays: 8am - 6pm

Saturdays: 8am - 6pm

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 Positivity Statement

- 19.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.