



Application No: 162308

Location: Magdalen Hall, Wimpole Road, Colchester, CO1 2DE

Scale (approx): 1:1250

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Committee Report

Agenda item

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To the meeting of **Planning Committee**
on: **3rd November 2016**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Eleanor Moss Due Date: 28/11/2016

CHANGE OF USE

Site: Magdalen Hall, Wimpole Road, Colchester, CO1 2DE

Application No: 162308

Date Received: 3 October 2016

Agent: Mr Matthew Rollings

Applicant: Ms C Allen

Development: Change of use for the rear part of the existing hall from B1 (Business) to D1 (Non-residential Institutions).

Ward: New Town & Christ Church

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 the application site is the local headquarters for the Liberal Democrats.

2.0 Synopsis

2.1 The key issues explored below are impact of the proposed D1 (educational institution) on the surrounding area and residential amenity. These are considered to be acceptable and therefore your Officer recommends approval.

3.0 Site Description and Context

- 3.1 The application site is located at St Mary Magdalen, within the New Town ward of Colchester Borough. At present, the building is not listed, but is located within the conservation area. Currently the building is occupied by the Liberal Democrats as a headquarter for the region. The building contains the following accommodation: offices, store rooms, a kitchen area, large hall, a meeting room, male and female toilets and a disabled/baby changing room. In addition to this accommodation, there are two existing car parking spaces along the side elevation, with a small garden at the front of the building. The northern, western and southern boundaries are all boarded by residential properties and the west boundary abuts the Co-Op funeral building.

4.0 Description of the Proposal

- 4.1 The proposal is to sub-divide the large hall from the offices to create a new space for a nurse to operate within. This proposal utilises the existing side access point into the hall.
- 4.2 A new fence will be constructed to allow the children into the new facilities and a free standing barrier will close off the rear area, making a secure area for the children to play in. The existing offices in the front part of the building will remain as existing apart from a new division being made and some small internal alterations however as the building is not listed these internal alterations do not require planning consent. The rear part of the building, off the hall, will be used by the Montessori to provide a kitchen area, toilets and an area for the small Little Sparrows group.

5.0 Land Use Allocation

- 5.1 Mixed use

6.0 Relevant Planning History

- 6.1 None relevant to the application

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
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

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

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

Community Facilities
Vehicle Parking Standards

8.0 Consultations

8.1 Environmental Protection:

We note that the proposed use currently operates from the Methodist church nearby and has not caused any complaints, despite being close to residential properties. We also note that the number of children is limited to a maximum of 24 and the proposed play area is located to the north of the site, adjacent to the Co-op and the operating hours are during the day, mid-week.

In order to help reduce potential impact on the residential amenity we recommend the following advisory note:

The outdoor area is managed to avoid unnecessary noise impact on nearby residents. This may include limiting the number of children at any one time and restricting the hours of use.

8.2 Highways Authority:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The total number of children being taken on roll shall be no greater than 24 for a period of time to be approved by the Local Planning Authority.
Reason: To prevent the generation of unnecessary traffic and an unacceptable increase in the onstreet parking demand in the adjoining streets and to encourage walking and cycling in the interests of highway safety and in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.
2. Prior to the commencement of the proposed development, the applicant shall submit a scheme of off road parking and turning for motor cars in accord with current Parking Standards at the Wilson Marriage Centre allocated for the applicants business use which shall be approved in writing by the Local Planning Authority.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3. Prior to commencement of the proposed development, details of the provision for parking of bicycles, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity. Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

Informative1: The Highway Authority has recommended Condition1 above to be able to monitor and assess the traffic conditions and impact in the immediacy of the proposed development site and adjoining streets, so that any future increase in children attending the site can be properly assessed and should not be understood to mean there can be no future increase in attendees. It is suggested that this maximum limit be for no less than 18 months from the Grant of any planning permission in order to gain sufficient data and understanding of traffic movements (motorised and pedestrian) generated by the development.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at

development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

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 Eight letters of support have been submitted regarding this application. One letter of objection was submitted, which is as follows:

Whilst I understand that there is a need for more childcare in New Town, I have concerns that this building is unsuitable for this purpose due to the almost total lack of outdoor space, I can see from the plans that the nursery would fence off a small area but given that they have several children at each session this surely isn't enough? My other concern is that there is absolutely no parking, indeed several residents are campaigning to have residents only parking in this area and the surrounding roads. I do understand that many parents walk to the setting, you may be interested to know that I am a registered childminder living directly behind the hall, several of my parents

have received parking tickets when collecting children and I am concerned that moving to this site would only make matters worse. I would like to point out that given my profession I am not opposing this application due to my fear of competition as I have none, I have been awarded an Outstanding Ofsted Grade for the last nine years and am full with a waiting list and as I have already stated it is true that we need more childcare places in the area I just don't think that this building has the external space or parking to make this a viable choice.

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

11.0 Parking Provision

- 11.1 The proposal provides for two off road car parking spaces within the town centre location.

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

Policy:

- 15.1 It must be noted that the NPPF (2012) supports the creation, expansion and alterations of schools, to meet the requirement to ensure that sufficient choice of school places are available. The NPPF (2012) Paragraph 22 also states that, where there is no reasonable prospect of a site being used for its allocated employment use, applications for alternative uses should be treated on their merits. Notwithstanding the above, information has been submitted to justify that the use of the site is required in order for the nursery to fulfil its contractual obligations to Essex County Council to operate 5 days a week and to better manage the welfare of children having sole occupancy of the premises (currently shared with other users of the Methodist Church).
- 15.2 It is considered that the proposed nursery would provide a community based service, offering educational services to the residents of the area. In terms of the change of use to a D1 use class (Education), policy SD3 of the aforementioned Core Strategy supports the provision of community facilities including educational facilities subject to any other planning constraints. Further, policy requires the safeguarding of existing

facilities and to deliver new community facilities. Therefore, the creation of a nursery would be supported by the Local Planning Authority given an assessment of policy SD3.

Design:

- 15.3 There are to be no external changes to the building under this planning application for the change of use.

Impact on Surrounding Area:

- 15.4 In terms of impact upon the character of the area, there are to be no external changes to the building undertaken through this planning application. Rather, there are to be changes to the side in order to accommodate a very small play area. Given the scale of the existing buildings, these alterations to the side of the site are not considered to harm the character of the area.

Impact on Neighbouring Properties:

- 15.5 In terms of amenity of neighbouring residents, the site is within an area where there are a number of commercial and office properties situated amongst residential properties. Environmental Protection has noted that noise complaints have not been registered against the existing use of offices and as such has recommended this outdoor area is managed to avoid unnecessary noise impact on nearby residents. This may include limiting the number of children at any one time or restricting the hours of use. As such, any planning permission will be conditioned in order to ensure current levels of amenity that are currently enjoyed by neighbouring properties are protected.

Highways Safety:

- 15.6 The submitted information states there will be a flexible drop off and collection arrangements prevent the surge of families arriving and departing at the same time. It is further stated that *'by applying for Personal Use Change of Use Planning Consent, Oaklea Montessori CIC is ensuring that local residents are protected from the school day 'surge' becoming a potential reality. Visitors would be able to use the 2 hour on-street parking opposite the property, use the Co-operative retail car park or on road parking in 3 neighbouring roads (King Stephen, Rebow & Morant Roads).'* The Highways Authority has been consulted on the proposal, who has not objected to the scheme. A detailed scheme of parking, turning and bike parking had not been submitted however, these can be secured by way of a condition, as recommended by the Highways Authority. All of the conditions recommended by the Highways Authority will be attached to any planning consent and as such it is considered that the proposal will not cause any adverse highways impacts. It is noted that the adopted parking standards do not have a minimum requirement for D1 uses.

16.0 Conclusion

- 16.1 The proposed change of use is considered to be acceptable, subject to conditions in order to protect residential amenity and highways safety.

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 16 / 004 / 102.

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

The total number of children being taken on roll shall be no greater than 24.

Reason: To prevent the generation of unnecessary noise, traffic and an unacceptable increase in the on street parking demand in the adjoining streets and to encourage walking and cycling in the interests of highway safety and neighbouring amenity.

4 - Non-Standard Condition/Reason

Prior to the commencement of the proposed development, the applicant shall submit a scheme of off road parking and turning for motor cars in accord with current Parking Standards at the Wilson Marriage Centre allocated for the applicants business use which shall be approved in writing by the Local Planning Authority.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

5 - Non-Standard Condition/Reason

Prior to commencement of the proposed development, details of the provision for parking of bicycles, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason: To promote the use of sustainable means of transport in accordance with Highways Safety.

6 - Non-Standard Condition/Reason

The use hereby permitted shall not be open to customers outside of the following times:
Weekdays: 08:00 - 18:00

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

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) The Highway Authority has recommended Condition1 above to be able to monitor and assess the traffic conditions and impact in the immediacy of the proposed development site and adjoining streets, so that any future increase in children attending the site can be properly assessed and should not be understood to mean there can be no future increase in attendees. It is suggested that this maximum limit be for no less than 18 months from the Grant of any planning permission in order to gain sufficient data and understanding of traffic movements (motorised and pedestrian) generated by the development.

(4) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 - Essex Highways Colchester Highways Depot, 653 The Crescent, Colchester.

20.0 Positivity Statement

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.