

7.2 Case Officer: Alistair Day

Due Date: 12/11/2015

MAJOR

Site: Old Police Station, 37 Queen Street, Colchester, CO1 2PQ

Application No: 151660

Date Received: 13 August 2015

Agent: Mr Robert Sakula, Ash Sakula Architects

Applicant: Mrs Teresa Hogsbjerg, CBC

Development: Application for the removal of condition 3 & 4 of planning permission 122272.

Ward: Castle

Summary of Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application has been referred to the Planning Committee because the Council is the applicant.

2.0 Synopsis

- 2.1 The key issues explored below whether the removal of condition 3 and 4 (relating to requirement BREEAM accreditation) would have a significant detrimental impact on the scheme previously approved by Members.

3.0 Site Description and Context

- 3.1 The application site is located on the east side of Queen Street in the St Botolph's area of Colchester town centre.
- 3.2 37 Queen Street dates from the mid-eighteenth Century. It comprises a three storey red brick building. The front elevation has 7 large sliding sash windows set in a 3:1:3 arrangement with a further one window extension on the north end. To the rear of the building on the north side is a large annex now subdivided into three storeys; on south side of the rear elevation is a single storey wing. A run of modern garages form the rear (east) boundary of the site.
- 3.3 In the mid-eighteenth century 37 Queen Street was used as a Soldiers' Institution. The rear annexe was a canteen and was probably a single space internally. The building was converted in 1940 into Colchester's Police Station; the cell block wing and the upper floors of the annexe probably date from that time. More recently the building was used as a public house.

- 3.4 37 Queen Street, Colchester is a Grade II listed building located within the Colchester Town Centre Conservation Area, designated in 1968. Its immediate neighbours to north and south, numbers 35 and 39 Queen Street, are also Grade II listed.
- 3.5 St Botolphs quarter is in the process of transformation. Firstsite is located nearby and 15 Queen Street has become an important cultural hub. The former bus station and St James House and Roman House are proposed for redevelopment

.4.0 Description of the Proposal

- 4.1 The application seeks planning permission to remove conditions 3 and 4 of planning approval 122272. Conditions 3 & 4 require the development to achieve BREEAM accreditation.

5.0 Land Use Allocation

- 5.1 Mixed Use & Regeneration Area

6.0 Relevant Planning History

- 6.1 Planning application 122272 approved for the change of use of 37 Queen Street to form a creative business centre. Listed building consent was also granted for the alteration works to facilitate the change of use of the building (122273).
- 6.2 The site has received a number of applications in the past; however none are of particular significance to this application.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework 2012 (the framework) sets out the national planning principles that guide the decision making process and how these are expected to be applied in practice. The framework makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The framework also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The framework clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.
- 7.2 Continuing the themes of the framework, the adopted Colchester Borough Core Strategy (December 2008) 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
CE2a - Town Centre
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling

TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP6 Colchester Town Centre Uses
DP7 Local Centres and Individual Shops
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP25 Renewable Energy

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

SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area

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

Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments
Shopfront Design Guide
Cycling Delivery Strategy

8.0 Consultations

- 8.1 None received.

9.0 Parish Council Response

- 9.1 The Town Centre is not parished. No ward members have called the item in or commented.

10.0 Representations

- 10.1 None received at the time of writing this report

11.0 Parking Provision

- 11.1 The parking arrangements agreed under application 122272 are not affected by this application submission.

12.0 Open Space Provisions

12.1 N/a

13.0 Air Quality

13.1 The site affects an Air Quality Management Area. It is not considered that the application will generate any significant impacts upon the town centre air quality zone.

14.0 Development Team and Planning Obligations

14.1 This application 122272 was considered by the Development Team as it was classed as a “Major” application. The Development Team resolved that it was not necessary to seek any planning obligations to mitigate the potential impact of this development proposal.

15.0 Report

15.1 Planning permission (ref 122272) was granted in 2012 for the change of use of 37 Queen Street from a public house (Use Class A4) to a creative business centre. The centre is intended to provide space for hot-desking, start-up companies, social enterprises, business incubation, grow-on space and SME anchor tenants. Exhibition and showcase spaces, meeting spaces and a café were also to be provided as a part of this application.

15.2 The planning approval 122272 was subject to variation conditions. Condition 3 and 4 of this approval require the development to be registered and achieve a BREEAM accreditation. (The BREEAM is a sustainability accreditation scheme for non-residential buildings and thus similar to the now defunct Code for Sustainable Homes).

. 15.3 At the time of the submission of the planning application for the change of use to a creative business centre, a section of funding was being sought from the European Union and this funding was reliant upon the scheme achieving a BREEAM ‘Very Good’ certification. Conditions 3 and 4 were therefore attached to planning permission to reflect this requirement. This funding sources has however been withdrawn due to the economic challenges and a new a funding stream has had to be found to enable the implementation of this proposal. As a consequence of this, it is now longer necessary for this development to gain a BREEAM accreditation.

15.4 The requirement to register this scheme for BREEAM accreditation and the additional works needed to achieve a ‘very good’ rating has had an impact on the scheme’s viability (particularly now the original funding stream has been withdrawn). The removal of BREEAM conditions will generate a financial saving and this will be of great assistance in bringing the project to fruition. Given this, and the fact that a project of this scale would not normally be required to be registered for BREEAM accreditation, the request to remove conditions 3 and 4 is considered acceptable.

16.0 Conclusion

- 16.1 The removal of the BREEAM conditions (condition 3 and 4) will enable the conversion of this building to a Creative Business Centre. This proposal will not only bring this historically important building back into full re-use but will act a catalyst for further investment into this part of the town centre and have a positive benefit to the local economy, particularly in terms of employment generation.

17.0 Recommendation

- 17.1 It is recommended that this application is approved subject to the conditions set out below.

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 POL/201 A3 POL/202 3 / A, POL/203 A3, POL/204 A3, POL/205 A3, POL/301 A3 / A, POL/302 A3 / A, POL/303 A3 / A, POL/304 A3, POL/305 A3 / A, POL/306 A3, POL/307 A3, POL/308 A3, 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

Deleted

4 - Non-Standard Condition/Reason

deleted

5 - Non-Standard Condition/Reason

Notwithstanding the details submitted, no works shall take place until additional drawings that show details of the proposed new windows, doors, cills and arches, photovoltaic panels and ventilation cowl 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 ensure that the special interest of this building is properly protected.

6 - Non-Standard Condition/Reason

All external joinery shall be of painted timber (unless otherwise specifically stated on the approved drawings), the colour of which shall have previously been agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To protect the special interest and integrity of the building and character and appearance of this part of the town centre conservation area.

7 -Non-Standard Condition/Reason

All existing sash windows shall be retained and repaired where necessary unless otherwise agreed, in writing, by the Local Planning Authority. Any replacement windows shall match exactly the details and moulding profile of these windows. Any surviving historic glass shall be carefully salvaged and reused. Any existing windows which are replaced by agreement with the Local Planning Authority shall be retained on site for inspection by representatives of the Local Planning Authority prior to the new windows being installed.

Reason: To protect the special character and architectural interest and integrity of the building and character and appearance of this part of the town centre conservation area.

8 - Non-Standard Condition/Reason

Prior to the commencement of development, a scheme that enables disabled access from the first to the second floor of the building (in a manner that does not have a detrimental impact on special interest of this building) shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the second floor being brought into use for the use hereby permitted.

Reason: To ensure that the building is fully accessible by users of this building.

9 - Non-Standard Condition/Reason

Prior to the commencement of development, there shall have been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works, which shall include any proposed changes in ground levels and the details of any hard or soft surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

10 - Non-Standard Condition/Reason

All changes in ground levels and hard and soft landscaping shall be carried out prior to the first occupation of the development hereby permitted by this permission. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

11 - Non-Standard Condition/Reason

No works shall take place, 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. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. hours of operations
- v. wheel washing facilities (if required)
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure the development hereby permitted is not detrimental to the amenity of the surrounding area.

12 - Non-Standard Condition/Reason

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, LR 11" and the Essex Contaminated Land Consortium's "Land Affected by Contamination: Technical Guidance for Applicants and Developers". Where necessary a remediation scheme shall be submitted to and approved by the Local Planning Authority which will ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 - Non-Standard Condition/Reason

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

14 - Non-Standard Condition/Reason

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to 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.

15 - Non-Standard Condition/Reason

No music or amplified sound shall be played on the premises outside unless otherwise agreed in writing by the Local Planning Authority.

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 and for the avoidance of doubt as to the scope of this permission.

16 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

17 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

18 - Non-Standard Condition/Reason

Prior to the occupation of the development hereby the disabled parking spaces (5.5m deep x 3.4m wide) indicated on the approved plans, shall be marked out and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that the visitor spaces for the disabled are usable and are located in the most convenient position in the development.

19 - Non-Standard Condition/Reason

Prior to the commencement of the development, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

20 - Non-Standard Condition/Reason

The signage indicated on the drawings originally submitted is expressly excluded from the development hereby permitted.

Reason: For the avoidance of doubt as to the scope of the permission.

21 - *Removal/Variation of Condition(s) Approval

With the exception of conditions 3 and 4 of Planning Permission 122272 which are hereby removed, the requirements of all other conditions imposed upon planning permission 122272 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition(s) of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

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.