



Application No: 152182
Location: 36-40 Crouch Street, Colchester
Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough 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 2015

7.3 Case Officer: Chris Harden Due Date: 21/01/2016

MAJOR

Site: **36-40 Crouch Street, Colchester**

Application No: **152182**

Date Received: 8 October 2015

Agent: MJC Associates

Applicant: Globalpark Estates Ltd

Development: Variation of condition 2 of planning permission F/COL/04/1046. (To relocate bin store & cycle store)

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 it is classified as a Major Application and objections have been received.

2.0 Synopsis

- 2.1 The key issues explored below are whether the variation of planning condition 2 of F/COL/04/1046 and the resultant rationalisation of the refuse storage area and cycle storage area down from four areas to two would still result in adequate refuse and cycle store provision. Following a site inspection and analysis of the information submitted by the letting company, it is concluded that one refuse storage area and one cycle store area would be adequate provision for the 24 two bedroomed flats.

3.0 Site Description and Context

- 3.1 The site lies within the physical limits of Colchester. The originally approved development consisted of new retail units and 24 two bedroomed flats. ((F/COL/04/1406). The development has been constructed with two cycle storage areas and two refuse storage areas serving the 24 two bedroomed flats. The refuse and cycle storage areas are to the rear of the flats.

4.0 Description of the Proposal

- 4.1 The proposal is for the Variation of Condition 2 of the approved planning application F/COL/04/1046 for retail units and 24 two bedroomed flats to amend the refuse storage provision and cycling provision. There would be one refuse area and one cycle storage area to the rear of the flats and the other smaller refuse area and cycle store area closer to the front of the site would be closed. The refuse area and cycle storage area would serve only the flats. The retail units have their own storage areas.

- 4.2 The applicant states that records from the managing agents, Boydens have indicated that only 1100 Eurobins and recycling bins are barely ½ full each week. “We also carry out regular inspections. The proposed new cycle store currently has 3 bikes and a push chair in itand could probably accommodate 60 bikes.”

5.0 Land Use Allocation

- 5.1 Mixed Use, Colchester.

6.0 Relevant Planning History

- 6.1 The original application for retail units and 24 two bedroomed flats was granted in 2005 (F/COL/041046).

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

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

DP1 Design and Amenity
DP12 Dwelling Standards

- 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:

- The Essex Design Guide
- Cycling Delivery Strategy
- Colchester BC Street Services Infrastructure Guide Oct 2012.

8.0 Consultations

- 8.1 Environmental Protection: “no comments.”

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 The Parish Council have made no observations.

10.0 Representations

10.1 3 letters of objection have been received which make the following observations:

- I am the owner of Flats 18 and 23 Priory Court. The freeholder has closed the facilities since the beginning of 2015. Repeated requests to re-open the facilities have been ignored. The Leasehold Advisory Service have advised me that the freeholder is in breach of the conditions on which the lease is based. These conditions were set by the planning conditions.
- Unilateral closure of one bin store has led to overcrowding of the second bin store with large waste bins. This makes waste disposal difficult for tenants and can lead to smells and possible vermin from over large deposits of waste.
- Inconvenient for tenants to access this second bin store, in times of inclement weather, and with the added difficulty of negotiating parked cars.
- Closure of the Cycle store denies those who cycle or are considering buying a cycle storage facilities established for such purposes. Will also affect people with children who use push chairs.
- Will lead to tenants, now or in the future storing cycles and push chairs in the interior of the buildings which could be dangerous and damaging to the fabric of the building and the lifts.
- Fire Officer for these buildings frequently reminds tenants that communal areas must be kept free of bikes and push chairs at all times.
- Application relates to varying the lease conditions.
- Concerned that I have no idea what the freeholder is proposing to use the vacated space for.
- Am the owner of Flat 1 Priory Court and object to the proposal.
- No one have contacted us and explained why these works will go ahead.
- Is this going to affect me as an owner of the property in the future ? (Logistically /Financially)?

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

11.0 Parking Provision

11.1 N/A

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 classed as a “Major” application owing to the fact that it is for the variation of a condition to a previously approved “Major application. However there was no requirement for it to be considered by the Development Team as all Planning Obligations were covered and met under the previously approved application via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The key issue for this application is whether the rationalisation of the refuse bin storage area and cycle store area, by closing the smaller bin store and smaller cycle storage area and retaining just one bin storage area and one cycle storage area would still result in adequate storage areas for the 24 two bedroomed flats.
- 15.2 Following a site inspection and analysis of the information submitted by the letting company, it is concluded that one refuse storage area and one cycle store area would be adequate provision for the 24 two-bedroomed flats. The managing agents, Boydens, have indicated that the bin stores are rarely more than half full. Boydens have also stated that they carry out regular inspections and have not been informed about the bin store overflowing. The case officer viewed the bin storage areas and cycle storage areas on site. It was clear that there remains additional capacity for refuse and cycle storage after the two smaller areas are closed. The Street Services Infrastructure Guide published in October 2012 indicates that one 1100 litre Eurobin would serve 12 properties. As there are 24 flats then the provision of two Eurobins would meet the standard. There are five in the retained storage area so this is considered more than adequate to serve the flats and these are not all utilised.
- 15.3 The infrastructure guide also recommends that nine bins (i.e. three sets of three) would be required for the 24 flats. Six recycling bins have been provided, but it was clear from visiting the site and noting the agent’s comments that these indeed are barely half full on most occasions. It is therefore concluded that adequate recycling bins are *in situ*. If demand for recycling bins did increase, then there would be scope to replace one of the underutilised Euro bins with recycling bins in future if necessary. Overall it is therefore concluded that with the single bin storage area there would be more than adequate refuse/recycling bin capacity to serve the 24 flats. The retained storage areas are also relatively conveniently situated across the car park from the flats and access would not be blocked by car parking. This bin store area is also considered to be more appropriately located than the other bin store which is located directly adjacent to the access drive into the site.
- 15.4 Similarly, the cycle store is also conveniently located adjacent to the car park to the rear. An inspection of it revealed that it was used by three bikes and a pushchair although this was during the day. The cycle store is quite a large area and the agent states that it is only used to store these three bikes and the pushchair. The agent also states it could “probably accommodate 60 bikes.”

- 15.5 It would certainly appear that there is more than enough space to store bikes to serve the flats in just this one cycle store area. Therefore it is not considered that the other smaller cycle store needs to remain available. It is, however, considered that a cycle rack should be provided within the cycle store area to be retained in the interests of providing a more secure store and encouraging more cycling use.

16.0 Conclusion

- 16.1 Following an on-site analysis and the receipt of details from the managing agents, it is concluded that one refuse storage area and one cycle store area would be adequate provision for the 24 two-bedroomed flats.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions.

18.0 Conditions

1 - *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: location plan received 8/10/15 and MJC/CR/01 received 11/1/16 and shall include the provision of a cycle rack in the cycle storage area within two months of the date of this permission.

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

2 - Non-Standard Condition/Reason

With the exception of condition 2 of Planning Permission F/COL/04/1046 which is hereby varied, the requirements of all other conditions imposed upon planning permission F/COL/04/1046 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 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.