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## Item No: 7.1

**Application:** 172816

**Applicant:** Mr Matthew Brown

**Agent:** Ms Ursula Rafferty

**Proposal:** Application to vary condition 4 of planning permission 150895

**Location:** University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ

**Ward:** Wivenhoe

**Officer:** Bradly Heffer

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it concerns a proposal to vary a condition attached to a grant of planning permission for a major development and an objection has been received from Wivenhoe Town Council.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the terms of the permission previously granted for the building – which was on a temporary basis – and whether it is appropriate in planning terms to remove the condition and, thereby, allow the building to be located on the site permanently.
- 2.2 It is considered that the building is of sufficient quality, in itself, to merit a permanent permission. Furthermore it is considered that the development is not harmful to visual amenity in this campus location.
- 2.3 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The site for this proposal is located within the established campus of the University of Essex. The specific location is within the area of the original accommodation towers, on a former grassed area between the buildings identified as 'William Morris' and 'Keynes'. A further tower, 'Tawney', is located immediately opposite the application subject building, across a broad walkway that links the campus with the North Towers car park. Also within the vicinity of the application site (to the northeast) is a group of newer accommodation buildings.

## **4.0 Description of the Proposal**

- 4.1 Under planning application 150895 planning permission was granted for the following development:

'Installation of a new three storey temporary modular teaching facility, consisting of twenty seminar rooms, toilets and breakout space.'

- 4.2 As part of the planning permission granted for the development the following condition (04) was imposed:

*'The period of this permission shall expire on 31st July 2020 at which date the building hereby permitted shall be removed. Within 28 days from the date at which this permission expires any building, material, equipment or hard landscaping resulting from, or used in connection with, the development hereby permitted shall be removed from the site in its entirety and in accordance with a scheme that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority.'*

*Reason: For the avoidance of doubt as to the scope of this permission and because a longer permission would have to be carefully considered by the*

*Local Planning Authority at the time at which any such proposal came forward, as well as to ensure that the site is returned to its previous state so that it does not suffer from any unacceptable longer term impact.'*

- 4.3 This current application submission seeks planning permission to remove the above condition – thereby enabling the building to be permanently located on the site. As part of the application submission the following explanatory comments have been made by the University's agent:

*'Originally conceived as a temporary building, to provide teaching space whilst the stock of 1960's buildings are refurbished, the North Teaching Centre has been constructed, and fitted out, to a high quality specification. It is proving popular with both staff and student cohorts and the University seeks approval to permanently retain it...The building is clad in Equitone Tectiva rainscreen cladding and sits, appropriately, between the North Towers accommodation blocks. It is weathering well and the cladding system has a minimum design life of 30 years. It is an appropriate, and valuable, contribution to the Campus and the University trusts that the Council can support the application...'*

## **5.0 Land Use Allocation**

- 5.1 University Purposes – as allocated in the adopted Local Development Framework Proposals Maps document.

## **6.0 Relevant Planning History**

- 6.1 The original grant of planning permission for this building was under planning application 150895. The permission was granted for a period of 5 years – expiring on 31<sup>st</sup> July 2020.
- 6.2 The overall University campus has been subject to numerous applications – none of which are considered to be of specific relevance 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 be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP25 Renewable Energy

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA EC7 University of Essex Expansion

- 7.5 In addition to the above, consideration also needs to be given to the emerging local plan. The following policies are relevant in the Submission Colchester Borough Local Plan 2017-2033:

Policy SP1 Presumption in Favour of Sustainable Development  
Policy SP6 Place Shaping Principles  
Policy CC1 Climate Change  
Policy EC1 Knowledge Gateway and University of Essex Strategic Economic Area

Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- (1) the stage of preparation of the emerging plan;
- (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and
- (3) the degree of consistency of relevant policies to the policies in the Framework.

Officers have considered the weight to be attached to the Submission Colchester Borough Local Plan 2017-2033. As to the first limb, the Local Plan was submitted to the Planning Inspectorate in October 2017. An Inspector has been appointed and the formal examination is due to commence in January 2018. The Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. As to the second limb, in the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan. As to the third limb, it is considered, at this stage, that the relevant policies in the emerging Local Plan do not appear to contain obvious inconsistencies with the Framework.

Overall, for these reasons, the emerging Local Plan is considered to carry reduced weight.

- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

External Materials in New Developments  
Sustainable Construction

## 8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

- 8.2 The **Landscape Planning Officer** has commented as follows:

*'The landscape content/aspect of the application to vary condition 4 of planning permission 150895 lodged on 07/11/17 would appear satisfactory'*

- 8.3 The **Archaeological Adviser** states that:

*'No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.'*

## 9.0 Parish Council Response

- 9.1 Wivenhoe Town Council has objected to the proposal and made the following comments:

*'Wivenhoe Town Council have some concerns regarding this application and would want evidence that CBC have considered the following before removing the condition.'*

*Would the building have been given permission in the first instance if the original application had been for a permanent building? I doubt it as it is sited in amongst the 1960's towers.*

*Was the original application processed as a temporary building just as to get approval but with the intention of applying for permanent approval knowing that this would deflect CBC and WTC attentions?*

*Would the temporary building materials and design have been permitted if the building had been applied as a permanent one?*

*Is it in keeping with the other buildings?'*

## 10.0 Representations from Notified Parties

- 10.1 The application was advertised in a newspaper and via a site notice. No representations have been received. The expiry date of the advertisement was 8<sup>th</sup> December 2017.

## **11.0 Parking Provision**

- 11.1 Not applicable – the parking provision at the University campus would be unaltered by the proposal.

## **12.0 Open Space Provisions**

- 12.1 The application site was formerly part of a larger grassed area between various accommodation blocks. Although the development has resulted in the loss of this part of the space it is considered that the overall open space provision across the campus would mean that its overall character would not be compromised. This consideration is important given the terms of the reason attached to condition 04.

## **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 Planning Obligations**

- 14.1 As a major development proposal the original application (150895) was considered by the Development Team, and it was determined at that time that a mitigation contribution (secured through s.106) was not required.

## **15.0 Report**

- 15.1 The main issue to be considered in this application is whether the building that is currently located on the identified site merits a permanent planning permission. Whilst it is the case that the original intention was that it was to be provided as a temporary facility (to allow repairs and improvements to other buildings to take place), the current application submission advises that the building has become a useful resource in its own right.
- 15.2 Examination of the building on site reveals that it is well-maintained and appears as a modern addition within the campus. Although it has a temporary planning permission the building has a visual ‘permanency’ emphasised by stepped entrance features and a plinth. Whilst it is set amongst the towers, it is not considered that it is harmful to the overall value of the towers as a group – not least because the distant views of these iconic buildings remain unaltered. Its impact is experienced within the immediate surroundings of the towers only.
- 15.3 The comments made by Wivenhoe Town Council are fully acknowledged and appreciated. With regard to the Council’s first comment, it is your officer’s opinion that had planning application 150896 sought a permanent planning permission for this structure, it is likely that a recommendation of approval would have been made. This is on the basis that, although proposed as a temporary building and is of modular construction, it is considered to achieve an equivalent visual standard to other buildings on the campus. Certainly it has a significantly better appearance than, say, the ubiquitous temporary classroom buildings that are a familiar element on most school campuses.

15.4 As regards to the comments relating to the standard of design and materials, it is considered that the building achieves a satisfactory standard. The campus itself contains a variety of building designs – reflective of the ongoing expansion that has taken place since the inception of the University in the early 1960s. Within this context, it is considered that the building would not appear incongruous. In relation to materials, these reflect the contemporary design of the building and, again, the use of rainscreen cladding would not appear out of keeping. The wider campus incorporates a diverse palette of materials such as brick, glazing, concrete, metal, stone and cladding. As stated earlier, site inspection reveals that the building appears well-maintained in its setting.

## **16.0 Conclusion**

16.1 To summarise, this submitted application seeks, in effect, a permanent planning permission for the identified building. It is your officer's opinion that it is an acceptable addition to the overall University campus development on a permanent basis and a recommendation of approval is made.

16.2 Members are advised that the recommendation of permission does not include the imposition of conditions. This is because the conditions imposed under the original application have either been complied with or (in the case of this application) proposed for removal.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission – no conditions

## **18.0 Informatives**

18.1 The following informatives are also recommended:

### **ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.