



**Application No:** 151540

**Location:** Ralph & Rita Martin, 37-41 Layer Road, Colchester, CO2 7JW

**Scale (approx):** 1:1250

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### **7.3 Case Officer: Eleanor Moss**

## **OTHER**

**Site:** 37-41 Layer Road, Colchester, CO2 7JW

**Application No:** 151540

**Date Received:** 23 July 2015

**Agent:** Jonathan Reubin

**Applicant:** Mr Will Quince

**Development:** Change of use to A2 financial & professional services.

**Ward:** Shrub End

**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 applicant is an elected member.

#### **2.0 Synopsis**

- 2.1 The key issues explored below are the impact of the proposed A2 (financial and professional services) on the surrounding area.

#### **3.0 Site Description and Context**

- 3.1 The application site is currently a vacant premises previously used for retail purposes (a news agent) within Layer Road. Layer Road is made up of a mix of uses and buildings, mostly residential and retail. The information provided to support the application states the retail shop has become non-viable due to the opening of Sainsbury close by and the redevelopment of the football club. As a consequence the retail shop has had to close.

#### **4.0 Description of the Proposal**

- 4.1 This application seeks planning permission for the change of use of 37 – 41 Layer Road to A2 use (Financial and Professional Services). The application site is to be used as a constituency office and surgery for the local MP.

#### **5.0 Land Use Allocation**

- 5.1 Retail

## **6.0 Relevant Planning History**

- 6.1 146062 - Proposed single storey rear extension to provide a new internal toilet with basin with new rear access. Block up side access with the formation of a small store room within the existing premises.

## **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  
SD3 - Community Facilities  
TA5 - Parking

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

DP1 Design and Amenity  
DP6 Colchester Town Centre Uses  
DP7 Local Centres and Individual Shops  
DP19 Parking Standards

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

Community Facilities  
Vehicle Parking Standards

## **8.0 Consultations**

- 8.1 None received at the time of writing

## **9.0 Parish Council Response**

- 9.1 The Parish Council have not commented upon this application.

## **10.0 Representations**

- 10.1 There have been no representations received at the time of writing.

## **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 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**

### Principle of development

- 15.1 The advice contained in national planning policy guidance (PPS4) identifies office uses as a main town centre use and that a sequential preference is applied to locating such uses within existing centres. It is however recognised that a MP’s constituency office does not carry out a pure office function and will facilitate public service and community functions as well. Furthermore, there is a reasonable expectation that an MP’s constituency office is to be located within the MP’s own constituency.
- 15.2 The nature of a constituency office means that it will be open and available to the public, who will be able to call-in at the premises without prior appointment. Typically, visitors to a constituency office would make specific trips to seek the advice or assistance of their MP, or their staff, and their visit is not incidental to some other purpose (e.g. shopping) where constituents bring urgent matters which cannot wait for the scheduled MP surgery times (The MP will typically hold drop in surgeries through the year).
- 15.3 Turning to the Use Classes Order, a constituency office is not specifically defined but does, in terms of the activities, services and advice provided, reflect more closely the characteristics of an A2 use class (Financial and Professional Services) rather than a pure B1(a) (Business- office) use. An A2 use provides ‘(a) financial services, or (b) professional services (other than health or medical services), or (c) any other services (including use as a betting office)... where the services are provided principally to visiting members of the public’. A B1(a) covers offices not classed within class A2.

- 15.4 It is considered that the proposed constituency office would provide a community based service, offering professional advice and assistance to visiting members of the public. In adopting such an interpretation of the proposed use, would preclude the requirement for the proposal to be subjected to the sequential based assessment outlined within national government guidance (PPS4).
- 15.5 The application premises is presently unoccupied however was previously occupied as a shop and lies within a mile and a half of Colchester Town Train Station and is well served by public transport links.

#### Design and Layout

- 15.6 This proposal seeks to convert 37 – 41 Layer Road from a retail use (A1) to a financial and professional services (A2) use. The proposal will involve no external or internal structural alterations to the existing building. The proposal will accommodate storage rooms, a reception area, a kitchen, two office areas and a lounge at ground floor. The constituency office shall employ two secretarial staff. The property will utilise the existing access arrangements.
- 15.7 The proposal is seeking a permanent change of use.
- 15.8 As there are no external or internal alterations it is considered that the design is considered to be acceptable in its own merits.

#### Impact on neighbouring properties

- 15.9 The proposal is located within Layer Road, this area contains a number of different properties and a number of different uses. The most prominent uses within this street are residential and retail. The closest neighbouring property is a florist shop, which is unaffected by the proposals. The proposed constituency use is not anticipated to present adverse residential amenity concerns. The premises are positioned well away from residential properties and as such it is not considered that the scheme would adversely impact upon the residential properties within the area. Nevertheless, with visitors coming and going at the constituency office it is considered reasonable to impose opening time restrictions so that these activities do not occur at unsocial hours.

#### Parking and Highways

- 15.10 From a highways perspective, this proposal is considered acceptable as the scheme will serve the local community and the site benefits from close bus links and other public transport facilities. Although the site does not benefit from off-street parking, the site has previously been used for retail purposes and it is not considered that A2 use will generate significantly increased levels of traffic. Visitors to the premises will be from within the constituency and as such it is not considered that they will have travelled a great distance from the site. There is street parking available directly outside the premises and along Layer Road and if visitors do access the premises by motor vehicle then they will be able to park close to the premises. Clearly, it is important for the MP to be located within his constituency and given that the site lies close to the town centre with bus services directly outside the site should ensure that visitors have convenient access to the MP.

## **16.0 Conclusion**

- 16.1 Due to the nature of the proposed use, the constituency office is not considered to conflict with town centre based uses or the neighbouring retail premises. The proposal is not considered to adversely impact on the amenity of nearby residents and would not be detrimental to highway safety. Accordingly, this planning application is recommended for approval.

## **17.0 Recommendation**

- 17.1 APPROVE subject to the following 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 approved plans 2014-108-003.

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**

37 - 41 Layer Road shall be used solely for financial and professional services and for no other purpose including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further consideration to the impacts of a different use at this site at such a time as any future change of use were to be proposed.

## **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**

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.