

Planning Committee

Town Hall, Colchester
11 October 2012 at 6.00pm

This committee deals with

planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

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The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

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Material Planning Considerations

The following are among the most common issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, Government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are among the most common issues that are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes
- effects on property values
- restrictive covenants
- loss of a private view
- identity of the applicant, their personality or previous history, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other legislation

Human Rights Implications

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

Community Safety Implications

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

Equality and Diversity Implications

All applications are considered against a background of the Council's Equality Impact Assessment (EIA) Framework in order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination. The legal context for this framework is for the most part set out in the Equality Act 2010.

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 11 October 2012 at 6:00pm

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Nick Barlow, Nigel Chapman, Peter Chillingworth, John Elliott, Stephen Ford, Sonia Lewis, Cyril Liddy, Jackie Maclean, Jon Manning, Nigel Offen, Philip Oxford and Laura Sykes.

Substitute Members : All members of the Council who are not members of this Committee or the Local Plan Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Lyn Barton, Mary Blandon, Mark Cable, Barrie Cook, Beverly Davies, Annie Feltham, Marcus Harrington, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Michael Lilley, Sue Lissimore, Colin Mudie, Will Quince, Terry Sutton, Anne Turrell, Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is circulated at the meeting and is available on the council's website by 4.30pm on the day of the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;

- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

3. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the

Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6. Minutes

1 - 4

To confirm as a correct record the minutes of the meeting held on 27 September 2012.

7. Planning Applications

In considering the planning applications listed below, the Committee may chose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

1. 121543 Celebrations, 44 St Christopher Road, Colchester (St John's)

5 - 14

Change of use from retail (A1) to hot food takeaway (A5) and installation of associated kitchen extract system with flue to terminate at rear.

2. 121457 Moss Farm, Penlan Hall Lane, Fordham (Fordham and Stour)

15 - 21

Listed building application for single storey garden room extension.

8. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**PLANNING COMMITTEE
27 SEPTEMBER 2012**

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman,
Peter Chillingworth*, John Elliott*, Stephen Ford,
Sonia Lewis*, Cyril Liddy*, Jackie Maclean,
Jon Manning, Nigel Offen*, Philip Oxford and
Laura Sykes*

Substitute Member :- Councillor Barrie Cook for Councillor Helen Chuah*

(* Committee members who attended the formal site visit.)

45. Minutes

The minutes of the meeting held on 13 September 2012 were confirmed as a correct record.

46. 121290 Colnebank House, 30 St Peter's Street, Colchester, CO1 1GR

The Committee considered an application for the erection of a 3.5 storey hotel including a bar, restaurant, ancillary car parking, landscaping and access. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Mark Russell, Principal Planning Officer, and Andrew Tyrrell, Planning Manager, attended to assist the Committee in its deliberations. The planning officer referred to previous industrial uses, significant views towards the site and other recent developments in St Peter's Street. He also referred to the previous proposal in 2009 which had been refused on design grounds. This development would comprise a mix of style but in general terms it was considered to be a high quality design.

Dimitri Murray addressed the Committee on behalf of the Dutch Quarter Association pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the overwhelming opposition to this development and it appeared that little weight had been given to their concerns. He considered the design to be mediocre which went against advice from English Heritage. The building was effectively five storeys. This was an important area and the mistakes of the 60s and 70s should not be compounded. The parking provision was inadequate and had been based on other Premier Inns which was unacceptable. He believed that Use Class C1, Hotels, should have one space per bedroom; the Dutch Quarter would not be able to cope with the extra traffic.

Stephen Brooker, representing the agent, addressed the Committee pursuant to the

provisions of Planning Committee Procedure Rule 8 in support of the application. Premier Inn had reduced the number of rooms and changed the design. The previous refusal was on the grounds of design and scale rather than parking and traffic but, in recognition of residents' previous and current concerns, there was a higher ratio of parking to rooms than in the previous application. There would be thirty jobs available at the hotel. The Government wanted new hotels in town centres and no other site was acceptable to the company. The hotel would be a much better neighbour than other uses of this commercial site. In the current climate visitors are aware that they should check the parking situation in advance. A cycle loan scheme had been requested by officers which they would accept, and Colchester would lead the way on such a scheme.

In response to Mr Murray's comments the planning officer commented that their responses to the objections in planning terms were set out in the report and that residents' objections had been taken into consideration. He confirmed that the Design and Access statement did not appear immediately on the website but was available two to three weeks later and was available for a total of six weeks. It was considered that this proposal was an improvement in the Dutch Quarter and not at all similar to buildings nearby. One space per bedroom was the maximum parking standard, however this was an edge of town centre site where a relaxation of the policy was acceptable. He reminded the committee that the previous application was refused on design grounds by officers.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He referred to the Dutch Quarter having suffered from heavy goods vehicles as well as other traffic and parking and considered the policy of a maximum parking standard within the site to be ludicrous. The impact would be felt in the evening and at night as well as during the day. The report indicated that the street comprised largely of commercial premises whereas it was primarily a residential area.

Councillor Hayes attended and, with the consent of the Chairman, addressed the Committee. She referred to the original and updated Humberts reports, the original report having been written at the height of the consumption and leisure boom whereas the updated version had reflected the downturn in the economic situation. This site was outside the defined town centre area in the Site Allocations proposals map and she believed that it was inappropriate to use this site at this time because there were other sites available within the town centre, known as the sequential test. It appeared that some residents had not been notified and she wanted the notification regime to be improved. She was aware of a high number of large lorries entering the Dutch Quarter possibly every day, and considered that there was a need to mitigate against possible air pollution.

The planning officer reiterated that the parking provision for hotels was a standard policy document and if they wished members could ask the policy team for a review.

He accepted that in spite of a sign, large vehicles did travel to the end of St Peter's Street. He was aware of six parking spaces in St Peter's Street available during the day and of two lengths of road available during the evening which provided between ten and fifteen spaces. He had noted six spaces free at 8.30pm the previous day. However, it was likely that residents would be in competition with hotel guests for those parking

spaces. It was acknowledged that St Peter's Street was largely residential with commercial sites towards the Middle Mill end. In terms of the sequential test, it was noted that the Queen Street site had not yet been taken up but there was some interest and thus the site had not been available to the applicant at this time. The Design and Access Statement and Flood Risk Assessment had been on the website for some time. An Air Quality Assessment had been requested and the Council's Environmental Control Team were satisfied with the statement. Officers considered the proposal was a sympathetic design. He stated that all relevant neighbours had been consulted and site notices had been posted.

Members of the Committee raised a number of queries and comments:- the Design and Access Statement was not on the website until the last day of consultation so there was no time to respond to it within the deadline; residents may not have been aware that comments were being accepted after the deadline. A query about the restaurant facility being solely for residents or the public as well. Local parking could cause some nuisance to residents. How the height of the building compared with an adjacent building. Whether changes to traffic in the High Street would affect St Peter's Street and if so had they been taken into account by the Highway Authority. Whether it was possible to condition times of deliveries and number of deliveries per day, week or month, and whether it would be possible for the Council to give the hotel a general concession for guests to park in nearby council run car parks. The site currently benefitted from an industrial use, possibly with no restrictions on the number of lorry movements.

The planning manager responded that comments on the Design and Access Statement had been accepted right up to the present time. The finished drawings were available before 17 August and people could comment on the design so the late publishing of Design and Access Statement was not prejudicial to their ability to see what was being proposed and to comment upon the impacts of the proposal. However, if members had reservations about that they could defer the application to allow further time for comment. The planning officer explained that there would be no riverside access to the site. It was not possible to enforce a condition on the number of delivery movements but there was a suggested condition to restrict the hours of deliveries. He recognised that there could be a parking problem, but did not think it would be too acute. The site had had industrial use for a considerable length of time and it would be unusual if there were any conditions restricting lorry deliveries.

Members of the Committee acknowledged that local residents were very concerned. There was a view that this application represented an opportunity to improve the environment in the area; something better would improve the unpleasant area at the end of St Peter's Street. The design was acceptable and much improved for the purpose. The building was sufficiently far away that it would not impinge on the amenity of neighbours, although it was recognised that some would have a change in their view. Any alternative to the existing building would have a traffic impact, and initial reactions were that there was insufficient parking. However, the Government was trying to encourage hotels in town centres and a lot of parking on any such site would not be possible. Around this site there were opportunities for alternative parking, including private rental sites; the on site parking was within the Council's policy. The development could provide an amenity for residents with a small cafe/bar overlooking

the river.

In response to a query regarding possible reasons to refuse the application which would stand up to an appeal, the planning officer was unable to suggest any reasons because it would be contrary to his recommendation.

RESOLVED (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred for completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 to provide the following items:-

- Travel Plan and fee
- Litter bin with a cigarette stub at the top to be provided (and maintenance)
- Cycle loan scheme (by condition rather than by Section 106)
- CCTV – purchase and maintenance of a new closed circuit television to be used in the vicinity for the Application Site which shall be linked to a central CCTV network , to include a contribution for monitoring purposes.

(b) Upon receipt of a satisfactory Legal Agreement, the Head of Environmental and Protective Services be authorised to grant planning permission with conditions and informatives as set out in the report and on the Amendment Sheet.



Application No: 121543

Location: Celebrations, 44 St Christopher Road, Colchester, CO4 4NA

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **11 October 2012**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

7.1 Case Officer: Simon Osborn Due Date: 19/10/2012

OTHER

Site: 44 St Christopher Road, Colchester, CO4 4NA

Application No: 121543

Date Received: 24 August 2012

Applicant: Direct Planning Ltd

Development: Change of use from retail (A1) to hot food takeaway (A5) and installation of associated kitchen extract system with flue to terminate at rear

Ward: St John's

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 has been called-in by Cllr Paul Smith on the following grounds:

“Concerns re the environmental impact on residents, and the impact on the character of the shopping parade and potential viability of other retail businesses in the area.”

2.0 Synopsis

2.1 The application for change of use from A1 retail to A5 takeaway has resulted in many objections on the grounds of residential amenity and highway safety/ parking. The report considers the application in the light of its current policies and the comments of specialist consultees. The report notes that there was an earlier appeal decision in 2001 to dismiss a takeaway on this unit; although this was for more unsociable hours of use. The report concludes that this is the sort of use that can take place within a

local shopping parade and, whilst Environmental Control do have concerns with regard to potential nuisance, approval is appropriate subject to conditions.

3.0 Site Description and Context

3.1 The application site lies within a small local shopping parade, with a mix of A1, A2 and A5 uses at ground floor level and residential units at first and second floor above. A Council owned car park fronts this parade and a service access lies immediately to the rear, with the short back gardens of properties in St Lawrence Road beyond this. The shopping parade is within a predominantly residential area. The application premises currently trades as a non-food retail unit, selling stationery, balloons, etc for celebratory events such as weddings and birthdays.

4.0 Description of the Proposal

4.1 The application seeks change of use from A1 shop to A5 hot food takeaway. The application drawings show a kitchen extract system running through the building and terminating at a louvred flue outlet on the rear wall of the building.

5.0 Land Use Allocation

5.1 Neighbourhood Centre

6.0 Relevant Planning History

6.1 C/COL/00/1190 – Change of use of former butchers shop to A3 (food and drink). Refused 20/10/2000 – Dismissed on appeal 30/04/2001.

6.2 C/COL/99/1293 – Change of use from butchers shop to Chinese takeaway. Refused 14/12/1999

6.3 The nearby Fish and Chip shop at 56a St Christopher Road was allowed on appeal in 1995 (reference 94/0405)

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

The National Planning Policy Framework (NPPF)

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:

SD1 - Sustainable Development Locations
CE2c - Local Centres

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

DP1 Design and Amenity
DP7 Local Centres and Individual Shops
DP17 Accessibility and Access
DP19 Parking Standards

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

Vehicle Parking Standards

8.0 Consultations

8.1 ECC Highways stated it did not wish to submit an official recommendation.

8.2 Environmental Control advised that the type of use being applied for can give rise to odour complaints however, the applicant has given great consideration to the control of odour and noise. Recommended the following conditions if planning permission granted:

- Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter.
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 odour and noise.

- 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.

(Note: As there is currently a noise issue in the area the applicant is required to contact Environmental Protection before undertaking the assessment of background levels.)

- Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed 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.
- 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.
- Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.
Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.
- Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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 Not applicable

10.0 Representations

10.1 17 objections were received to the proposal on the following grounds:

1. Car park often full, road infrastructure at saturation point, creating traffic hazard;
2. Smells a problem from existing fish and chip shop and these smells will be intensified by another takeaway
3. Noise late at night and anti-social behaviour
4. Fast-food takeaways create litter problems
5. Noise from extractor fan of fish and chip shop prevents sitting out in garden; another extraction system will worsen this.
6. No need for another food supplier (already have tesco and fish and chip shop)
7. The government is fighting obesity.

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 adopted parking standard required for A5 premises is the same as for A1 (non-food) premises, being 1 space per 20 square metres. There is a Council owned car park for 39 cars at the front of the parade, which serves all the units.

12.0 Open Space Provisions

12.1 No requirement for an A5 use.

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 Report

Policy Principle

14.1 Policy DP7 states that the primary retail role of Neighbourhood Centres will be safeguarded, but other uses will be supported where they complement the existing role of these centres, and provided they meet the needs of residents in the local neighbourhood and would not reduce the number of A1 retail units in any centre to below 50% of the units used for commercial purposes.

14.2 An A5 takeaway use is one that is commonly found within neighbourhood centres and a second A5 use within this parade would primarily serve the surrounding residential areas. At present there are 7 nos. A1 units and 5 nos. non-A1 units within this neighbourhood centre. These include 2 banks (A2 use), betting agent (A2), estate agent (A2), and a Fish and Chip takeaway (A5). The A1 units include a hairdresser, a newsagent, Tesco Express, florist, carpets/flooring, and the shop subject of this application. The proposal will not reduce the number of A1 units to below 50%.

Highway Issues

- 14.3 The St Christopher Road neighbourhood centre is a very well used local shopping centre and the car parking area to the front is often full or close to capacity during normal shopping hours. Traffic sometimes has to queue to get into the car park. The Highway Authority originally offered no comment to the proposal, but in view of the concerns raised, the Highway Authority was asked to expand on their original response. They stated that the nature of a fast food shop will mean the customer visit times will change from existing shop and whilst there will obviously still be visitors these will be at different times to existing; this will be outside the normal working hours of other shops in the parade. The Celebrations customer base, due to the nature of the business (weddings/ celebrations, etc), would be likely to travel from a larger catchment area than a hot food takeaway. Those travelling longer distances are more likely to use private cars. They noted that traffic issues already exist in St Christopher Road, but objecting to the current proposal on the grounds that another unit creates traffic is unreasonable, especially as this proposal could see their own vehicular traffic association lessen. Having a dedicated off highway parking area for the parade, it is the opinion of the Highway Authority that the change of use for this one unit will not adversely affect the highway or its users.

Residential Amenity Issues

- 14.4 Many of the issues raised by the objectors relate to potential adverse amenity affects arising from noise, smell and anti-social behaviour, including litter. Policy DP1 limb (iii) looks to protect existing residential amenity, including from noise and disturbance and odour pollution. These sorts of issues are ones which the Council's Environmental Control Team has to take into consideration. Noise is easily measured and Environmental Control has recommended a condition (no. 5) that requires the rating level of noise does not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. Odour is more difficult to measure and the Environmental Control Officer has concerns that cooking odours are difficult to control and in this application the type of food has not been specified. However, odour can be controlled and the information supplied by the applicant states that any amount of odour can be removed. Environmental Control are concerned that the applicant installs the correct amount of abatement technology to ensure odour does not detrimentally affect local residents and for the reason recommend that a condition is imposed (no. 6) requiring further details to ensure that the capacity of the filtration/extraction system is sufficient to cope with the intended operation. The applicant has given great consideration to the control of odour and noise within their submission, and Environmental Control do not object to the proposal subject to the imposition of conditions.
- 14.5 As noted in paragraph 6.1, there was an application for a Chinese takeaway at these premises, which was refused and dismissed on appeal in 2001. The Inspector considered the issues of smell, litter and noise. On smell, the Inspector was not satisfied that the appellant had demonstrated that this could be adequately dispersed, particularly as little technical information was supplied. The current application in contrast has given a great deal of consideration to this and proposes a high-specification extraction system. On litter, the Inspector considered that the provision of bins outside the premises would be adequate to contain the problem. On noise, the Inspector was more concerned about the possibility of disturbance from customers

and cars than from the extraction system. The proposed opening times for the 2001 appeal were for late night openings up to midnight on Fridays and Saturdays and to 11.30pm on Sundays to Thursdays. The Inspector noted this would involve trading at times considerably later than any of the other units within the parade and after the usual closing time of the public house opposite and considered this aspect of the appeal to be unreasonable. However, it is considered that whilst noise from equipment is easy to quantify and can be controlled by condition, loss of amenity is more difficult. The proposed hours of use for the current application of 11.00am to 2100 hours (9.00 pm) means the proposal is unlikely to result in any significant loss of amenity. These hours are imposed by condition (No. 3).

15.0 Conclusion

15.1 It is recognised that there is a great deal of local concern regarding the proposed change of use. Nonetheless, takeaways serve residential areas and these are uses that are commonly found in local shopping centres. A local shopping centre with a dedicated off-street parking area is in many respects the best location for such uses. These uses can sometimes result in complaints regarding odour and noise and Environmental Control is concerned that these should be adequately dealt with. The details put forward with the application show this has been given a great deal of thought and Environmental Control do not object to the proposal subject to the imposition of conditions. The application is therefore recommended for approval.

16.0 Recommendation - APPROVE subject to the following conditions

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 DP/1877/RG/01 to 04 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 - *Restriction of Hours of Operation

The use hereby permitted shall not operate outside of the following times:

Weekdays: 10.00am to 21.00pm

Saturdays: 10.00am to 21.00pm

Sundays and Public Holidays: 11.00am to 21.00pm.

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.

4 - Self-Closing Doors

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter.

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.

5 - Site Boundary Noise Levels

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.

6 - Sound Insulation on Any Building

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed 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.

7 -Food Premises (Control of Fumes and Odours)

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.

8 - Grease Traps Required

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

9 - Litter

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

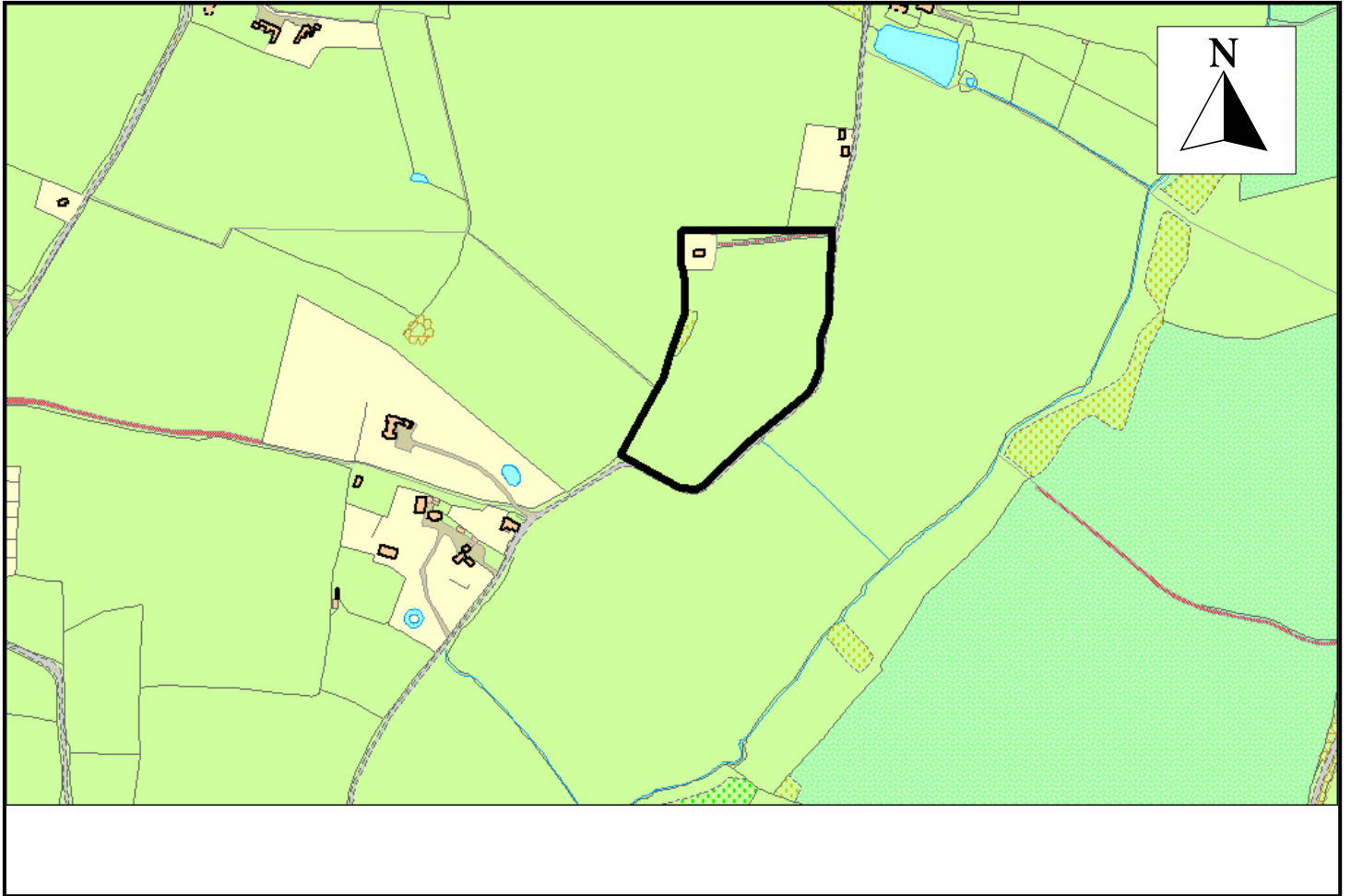
Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

Informatives

(1) 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) As there is currently a noise issue in the area the applicant is required to contact Environmental Protection before undertaking the assessment of background levels. The applicant should also be mindful that there are residential properties directly behind and above the premises and that the capacity of the filtration/extraction system is sufficient to cope with the intended operation. The applicant should also be mindful that spicier food is more odorous.



Application No: 121457

Location: Moss Farm, Penlan Hall Lane, Fordham, Colchester CO6 3LR

Scale (approx): Not to scale

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7.2 Case Officer: Lucy Mondon

Due Date: 23/10/2012

HOUSEHOLDER

Site: Moss Farm, Penlan Hall Lane, Fordham, Colchester CO6 3LR

Application No: 121457

Date Received: 28 August 2012

Agent: Mr P Tyler

Applicant: Mr P Richardson

Development: Listed building application for single storey garden room extension.

Ward: Fordham & Stour

Summary of Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the Agent is a recent employee of the Council.

2.0 Synopsis

2.1 The application seeks Listed Building Consent for the erection of a single-storey rear garden room extension (full planning permission not being required).

2.2 The following report considers the material planning matters together with issues raised in representations. The report describes the site and its setting, the proposal itself, and the consultation responses received.

2.3 The planning matters of the case will be assessed leading to the conclusion that the proposal is unacceptable and that refusal of consent is recommended.

3.0 Site Description and Context

3.1 Moss Farm is a detached dwelling located in the countryside. The property is located on a hill and is openly visible from the protected Penlan Hall Lane to the east and south-east of the site. The character of the area is distinctly rural, with isolated dwellings surrounded by open fields.

3.2 The property was listed as Grade II in 1982. The listing description for the property is as follows:

'C17-C18 house. Timber-framed with rendered elevations. One storey with attics and ridged and gabled roof pegtiled having square plan red brick chimney stack at centre on ridge. Sets of 3 casements left and right of front door, full length lean-to at rear.'

4.0 Description of the Proposal

4.1 The application seeks Listed Building Consent for the erection of a single-storey garden room. The garden room would project 4 metres from the existing dwelling and would be 3.7 metres high. The garden room would have a brick plinth, oak joinery, and a plain tile roof.

5.0 Land Use Allocation

5.1 N/A

6.0 Relevant Planning History

6.1 Planning Permission and Listed Building Consent were granted for the erection of a 1½ storey extension in 2007 (ref: F/COL/06/1949 and LB/COL/06/1951). The renewal of the sole plate, including raising the plinth, and the replacement of metal windows with timber casements were also granted consent.

6.2 Retrospective Planning Permission was granted for two sheds in 2011 (ref: 102399).

6.3 Retrospective Planning Permission was granted for fencing and two sheds as a resubmission of 102399 (ref: 110700).

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

The National Planning Policy Framework (NPPF)

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:

UR2 - Built Design and Character

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

DP1 Design and Amenity

DP14 Historic Environment Assets

DP21 Nature Conservation and Protected Lanes

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

The Essex Design Guide

External Materials in New Developments

8.0 Consultations

8.1 Conservation advice:

“This is a very typical, 2 room house that has been substantially altered and extended. The original plan is typical of the C16/C17 period with central entrance opposite central stack with 1 bay each side. The attic floor is a later insertion.

The recent rear extensions have been executed well but represent the limit to which this house could be reasonably enlarged without causing major harm to the preservation of the special interest of the historic asset. The current proposal would place a long room perpendicular to the axis of the house and centrally placed over the original front entrance. In doing so, the extension would undermine the proper interpretation of the form and style of this building and its original relationship with its surroundings.

The building once sat close to and perpendicular to a lane that passed to the west of it. The front façade looked South. The lane no longer exists and the house is now accessed from the east via a long drive.

A large front extension that disguised the original character of the house is unacceptable on principle and I therefore strongly recommend that this application be **refused by virtue of its size and siting.**

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 No comments have been received from the Parish Council.

10.0 Representations

10.1 No comments have been received.

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 Report

- 14.1 Moss Farm is a Grade II listed building. Development Policy DP14 states that development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. The policy goes on to state that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment in the first instance, unless there are no identifiable opportunities available.
- 14.2 As a listed building, Moss Farm is classified as a Designated Heritage Asset by virtue of Annex 2 of the National Planning Policy Framework (NPPF). The NPPF states, in Chapter 12 'Conserving and Enhancing the Historic Environment' that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.... Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 14.3 An assessment of the significance of Moss Farm has been made having made a site visit to the property as well as taking into account the listing description, historic maps and the Heritage Statement submitted with the application. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 14.4 Moss Farm is a detached property that is modest in form and appearance, being 1½ storey in height and linear in plan, with a plain tile steeply pitched roof, rendered walls and painted timber joinery. The simple form and character of the property contributes to its historic significance as a modest rural building. The orientation of the property has changed over the years: what is now the rear of the property (south elevation) was once the original front elevation of the property, as described in the listing description. The property has been heavily extended with a 1½ storey extension, but the original front elevation of the property remains simple in appearance, with a centrally placed door and a three casement window either side.
- 14.5 The proposal would be a long room centrally positioned over the original front entrance of the property. The siting of the extension would disrupt the simple balance and appearance of the elevation and would significantly alter the character of the property by undermining its original form. The appreciation of the original front elevation of the property would be lost. Further, the proposal, in addition to the existing extension, would result in a property that is near engulfed by modern extensions which would further obscure the original form of the property.

14.6 The property is clearly visible from the protected Penlan Hall Lane and the proposal, by virtue of its siting and size, would be a visually prominent feature when seen from the road. The proposal therefore has a detrimental impact on public views of the property as well as its relationship to its surroundings.

14.7 The proposal would therefore lead to harm to the significance of a designated heritage asset. The NPPF states that where proposals would lead to harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposal would provide increased living space for the occupants of Moss Farm. However, the benefit that would be gained from this would be of a personal rather than public nature and is not considered to outweigh the harm of the development to the character of the dwelling. Ensuring the survival of the building would be considered a public benefit. However, it is considered that the dwelling does not need the proposed extension in order to survive as a dwelling as there is ample living space within the property and it has been inhabited as a dwelling for a number of years. Therefore, the proposal does not deliver the significant public benefits that outweigh the harm to the building, nor does it prevent the long-term continued use of the building as a residence.

15.0 Conclusion

15.1 The proposal, for a single-storey garden room, would be detrimental to the character and appearance of Moss Farm by virtue of its siting and size. The proposal would result in a long extension positioned over the original front entrance of the property which would disrupt the balance and simple appearance of the elevation and would be detrimental to the original character and form of the property, thereby undermining the proper interpretation of the property and the understanding of its historic significance as a simple rural building. Further, the proposal would, in addition to the existing extensions to the property, represent an overdevelopment of the property which would be increasingly detrimental to its original character and form.

16.0 Recommendation

REFUSE Listed Building Consent for the following reasons:

1 - Non-Standard Refusal Reason

The National Planning Policy Framework (NPPF) was issued in March 2012 and sets out the Government's national planning policies on the conservation of the historic environment. The Government's overarching aim is that the historic environment and its heritage assets should be sustained and enhanced. In considering the impact of a proposal on any heritage asset, local planning authorities should assess the particular significance of the heritage asset. There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be. Significance can be harmed through alteration and the NPPF provides that, where a proposal has a harmful impact on the significance of a designated heritage asset, local planning authorities should weigh the public benefit of the proposal against the harm, and recognise that the greater the harm to the significance of the heritage asset the greater is the justification that will be needed. At a local level the Colchester Borough Council Development Policies document was adopted by the Council in October 2010 and states, in policy DP14, that proposals that adversely affect a listed building will not be permitted. The policy goes on to state that development affecting the

historic environment should seek to preserve or enhance heritage assets, with an expectation that any new development will enhance the historic environment in the first instance.

Moss Farm is a grade II listed dwelling. The dwelling is modest in form and appearance, being one-and-a-half storey in height and linear in plan, with a plain tile steeply pitched roof, rendered walls and painted timber joinery. The simple form and character of the property contributes to its historic significance as a modest rural building. There is a large modern one-and-a-half storey extension to the front of the property which has altered its layout to that of a 'T' shape as opposed to its original linear form. The orientation of the property has changed over the years and the proposal is for a single-storey rear extension that would project from the original front elevation of the property. The proposal would result in a large room perpendicular to the axis of the property and centrally placed over the original front entrance. In doing so, the proposal would disrupt the simple balance and appearance of the elevation and would significantly alter the character of the property by undermining its original form as the appreciation of the original front elevation of the property would be lost. Further, the proposal, in addition to the existing extension, would result in a property that is near engulfed by modern extensions which would further obscure the original form of the property. The proposed extension would therefore result in an incongruous addition to the property that appears alien to its historic character and appearance and prevents the proper understanding and appreciation of a property of historic significance.

Policy DP21 states that 'Protected Lanes of historic and/or landscape value shown on the Proposals Map will be protected from development that would adversely affect their physical appearance.'

Penall Hall Lane is a Protected Lane, the site in question is next to it, and the proposed development would lead to added visual disappointment.

Informatives

In the interests of clarity the applicant/agent is herewith advised that the drawings/plans which form the subject of this refusal are Location Plan, Elevations as Existing, Ground Floor Plan as Existing, Ground Floor Plan and Section, and Elevations as Proposed, received on the 31st August 2012.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes, sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.