

Planning Committee

Council Chamber, Town Hall
30 January 2014 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.

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates *The Planning and Compulsory Purchase Act 2004*, which requires (in law) that planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.

The following approach should be taken:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan 1989*) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and Colchester’s own Local Plan documents
- Government guidance, case law, appeal decisions, planning history, “fallback” positions
- Design, scale, bulk, mass, appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations such as archaeology, listed buildings or a conservation areas
- Environmental issues such as impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism
- Social issues such as affordable housing, accessibility, inclusion, education, recreation
- The ability to use planning conditions or obligations to overcome concerns

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues including private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses
- matters specifically controlled through other legislation
- unless they are “exceptional”, personal circumstances, including hardship

Strong opposition to a particular proposal is a common feature of the planning process. However, in the absence of substantial evidence of harm or support from the Development Plan is unlikely to carry much weight. The same principles apply in reverse where there is strong support for a proposal that is contrary to the Development Plan and there is harm (or lack of substantially evidenced benefit).

Inspectors and Courts (see *North Wiltshire DC V SoS & Clover, 1992*) have established that precedent can be a legitimate consideration, but it is not enough to have a “general anxiety” and there has to be evidence of a real likelihood that similar applications (in all respects) will be submitted.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council 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.

Using Planning Conditions and Considering Reasons for Refusing Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework reinforces this by stating that “*Planning should operate to encourage and not act as an impediment to sustainable growth*”. Therefore, development should be considered with a positive approach. However, not all development is acceptable and almost every permission will require planning conditions in order to make them acceptable. Some will remain unacceptable and should therefore be refused. Circular 11/95 (The Use of Conditions in Planning Permissions) and Circular 03/2009 (Costs Awards In Appeals And Other Planning Proceedings) set out advice on the government’s policy regarding the appropriate use of planning conditions and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. They derive from an interpretation of court judgments over the years and, although not planning law, are important material considerations. A decision to set them aside would therefore need to be well-reasoned and justified.

In terms of the Planning Committee, Circular 03/2009 makes it clear that “*Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority*”.

The power to impose conditions is an important material consideration in any determination. Circular 03/2009 states that “*Whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed*”. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. *The Circular adds that “A planning authority refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.”* Advice on the need to consider whether conditions may make a proposal acceptable which would be otherwise unacceptable is also to be found in Circular 11/95.

Any planning condition imposed on a development must be necessary, relevant to planning, relevant to the development to be permitted, reasonable, precise and enforceable. Unless conditions fulfil these criteria, which are set out in Circular 11/95, they are challengeable at appeal as *ultra vires* (i.e. their imposition is beyond the powers of local authorities). If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted.

In considering the reasons for that refusal, Circular 03/2009 makes it clear that planning authorities must “*properly exercise their development control responsibilities, rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason*”. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that public authorities act fairly and reasonably in executing their decision making functions, and that it is evident to all that they so do.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
30 January 2014 at 6:00pm**

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Peter Chillingworth, Stephen Ford, Sonia Lewis, Cyril Liddy, Jackie Maclean, Jon Manning, 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 Christopher Arnold, Nick Barlow, Lyn Barton, Kevin Bentley, Mary Blandon, Mark Cable, Nigel Chapman, Barrie Cook, Nick Cope, Beverly Davies, John Elliott, Andrew Ellis, Annie Feltham, Bill Frame, Ray Gamble, Marcus Harrington, Dave Harris, Julia Havis, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Margaret Kimberley, Michael Lilley, Sue Lissimore, Colin Mudie, Nigel Offen, Gerard Oxford, Will Quince, Lesley Scott-Boutell, Peter Sheane, Paul Smith, Terry Sutton, Colin Sykes, 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 available on the council's website by 4:30pm on the day before 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 application 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 two days 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

1

(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 to silent;
- the audio-recording of meetings;
- 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

2 - 5

To confirm as a correct record the Minutes of the meeting held on 2 January 2014.

7. Planning Applications

In considering the planning applications listed below, the Committee may choose 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. 132184 Co-operative Superstore, 118 Abbots Road, Colchester (Harbour)

6 - 12

Variation of condition 14 of planning permission 97/0648 to allow the store to trade between 7:00am - 11:00pm Monday to Saturday, 7:00am - 11:00pm Sundays and 7:00am to 9:00pm Bank Holidays.

2. 132801 Town Hall, High Street, Colchester (Castle)

13 - 21

Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct.

3. 132802 Town Hall, High Steet, Colchester (Castle)

Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct.

Please see report at 7.2.

8. Amendment Sheet

There are no Amendments to be reported.

9. 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).

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

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Access

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Colchester, CO1 1JB
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call
e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

**PLANNING COMMITTEE
2 JANUARY 2014**

Present :- Councillor Helen Chuah* (Chairman)
Councillors Peter Chillingworth*, Sonia Lewis*,
Cyril Liddy*, Jackie Maclean, Jon Manning* and
Laura Sykes*

Substitute Members :- Councillor Michael Lilley for Councillor Stephen Ford
Councillor Peter Higgins
for Councillor Theresa Higgins*
Councillor Gerard Oxford for Councillor Philip Oxford*

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

99. Minutes

The Minutes of the meeting held on 12 December 2013 were confirmed as a correct record.

100. 132270 Cosway Caravan Park, Fen Lane, East Mersea

The Committee considered an application for the Variation of the holiday occupancy period at Cosway Caravan Park, Fen Lane from 1st March – 31st December to allow for a 12 month year round holiday season. The Committee had before it a report in which all the information was set out.

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.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

101. 132228 Longview, 216 Turner Road, Colchester

The Committee considered an application for the variation of condition 31 of Planning Permission 131287 at Longview, 216 Turner Road. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

102. 132255 Former Gym, Circular Road South, Colchester

The Committee considered an application for a 2.4 metre high timber hoarding to the

perimeter of the Former Gym, Circular Road South with two sets of double gates. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

103. 132233 Cosway Caravan Park, Fen Lane, East Mersea

The Committee considered an application for the use of land at Cosway Caravan Park, Fen Lane for the stationing of static holiday caravans and a children's play area. The Committee had before it a report and amendment sheet in which all the information was set out.

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.

Ms Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. She advised the Committee of the matters set out in the amendment sheet and that Natural England had not raised any objection to the proposal.

Mr Ian Butter addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He addressed the objection raised by Councillor Sutton regarding the need for a review of the policies surrounding this application. He believed that as the proposal was within an existing development, on land allocated as a holiday park within the Local Plan, it was entirely reasonable and adhered to policy. He suggested that the proposal had been considered within the National Planning Policy Framework and the Local Plan so any departures from policy would have been investigated. He urged the Committee to approve the application.

Councillor Sutton attended the meeting and, with the consent of the Chairman, addressed the Committee. He suggested that as an application to extend the holiday season of the caravan park to 12 months had been approved, the relevant policies should be reviewed. He suggested that a 12 month season effectively created permanent residences and policy should reflect this. He highlighted a recent residential application for a property on East Mersea that had been refused on the grounds that it was unsustainable. He believed that this application would encounter the same problem. He urged the Committee to defer the application in order to review the appropriate policies.

It was explained by the Principal Planning Officer that only policies that do not conform to the NPPF were currently being reviewed. However DP10, the policy relevant to this application, was considered to conform. As a modest extension to an existing tourist facility the application was not believed to be contrary to policy. It was clarified that, as planning application 132270 (above) for a temporary 12 month holiday season had been approved, this would also temporarily apply to the additional static caravans proposed within this application. However, permanent approval would

be provided for a 10 month season, if the Committee were to approve.

It was suggested by a member of the Committee that an increased number of static caravans on site may attract improved infrastructure. The Committee believed it was inappropriate to compare an application for additional static caravans on a pre-existing caravan site to an application for a residential bungalow.

It was suggested that a note be sent to the chairman of the Policy Review and Development Panel to consider a review of the policies in question.

RESOLVED (UNANIMOUSLY) that –

- i) the application be approved, subject to the conditions set out in the report; and
- ii) the Head of Professional Services write to the Planning Policy Team requesting a review of policies in relation to caravan sites and tourism.

104. 121354 Land at Former Cherry Tree Garage, 17 Blackheath, Colchester

The Committee considered an application for the variation / removal of condition 20 of Planning Permission 081300 at 17 Blackheath, Colchester. The Committee had before it a report and amendment sheet in which all the information was set out.

Mr Bradly Heffer, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Councillor Harris attended the meeting and, with the consent of the Chairman, addressed the Committee. He explained that local residents were concerned about the impact of this application, if approved, on traffic safety and the safety of pedestrians, as the route was used by pupils walking to and from school. He also expressed concern about the protection of the verges on the road in question. He suggested that there were no traffic problems at the moment because the store was not yet opened, however problems would arise after opening. He believed that Enforcement Officers did not have enough resources to effectively monitor the area and that the double yellow lines would not be protected from abuse. He asked the Committee to leave condition 20 as it was and requested that bollards be put in place to protect the verge.

Several members of the Committee suggested that, as the Highways Authority had claimed the condition was unnecessary, it would be unreasonable to refuse the application. It was further suggested that if the application was refused, it would likely be overturned at an appeal.

Concern was raised by a number of Committee members that removing the condition would cause problems and that people's adherence to the double yellow lines could not properly be policed. It was suggested that the Committee should try to pre-emptively resolve these problems.

It was explained by the Principal Planning Officer that if, in the future, the Highways Authority believed there was a problem with the traffic on this road they could carry out works themselves. He also highlighted that the dwellings surrounding the supermarket had allocated parking and a car park was provided for the supermarket itself. It was envisioned that the majority of the visitors to the supermarket would travel by foot.

RESOLVED (SIX voted FOR, THREE voted AGAINST and ONE ABSTAINED from voting) that the application be approved, subject to the conditions set out in the report.

105. Discharge of Planning Obligation // Application F/COL/07/1046 - 127 Mersea Road, Colchester

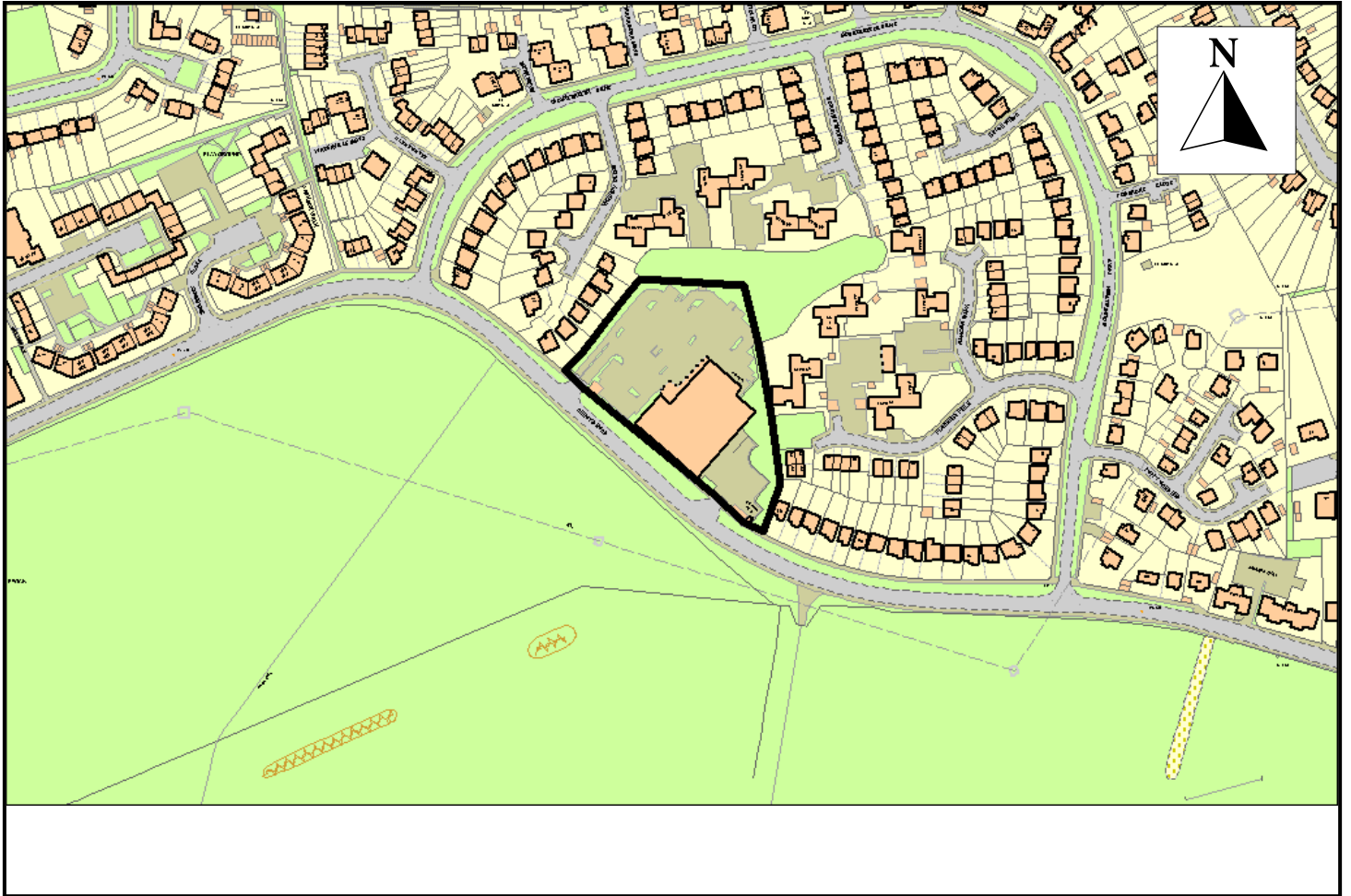
The Committee considered the report of the Head of Commercial Services concerning an application to discharge a planning obligation in respect of application 071046. The Committee had before it a report and amendment sheet in which all the information was set out.

Ms Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Mr Keith Blackburn of Essex County Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He clarified that his objection related only to Colne Housing's obligations to Essex County Council regarding an education contribution. He explained that schools within the area were at capacity or nearing capacity and that the £32,500 which had been allocation to education would help open a new school in 2017. He emphasised that expenditure would be required in order to create new school places. He claimed that Colne Housing must have known what their obligations were when they purchased the site and that ECC had already compromised with them. He asked the Committee to consider the report and to not discharge the planning obligation relating to the education contribution.

The Committee determined that they had no power over the planning obligations to Essex County Council and, as such, would only consider that obligations to Colchester Borough Council in relation to open space. It was believed that the provision of more affordable housing outweighed the need for open space. The Committee suggested that affordable housing should be facilitated whenever possible.

RESOLVED (UNANIMOUSLY) that the outstanding obligation in respect of the community services contribution be discharged.



Application No: 132184

Location: East of England Co-Operative Superstore, 118 Abbots Road, Colchester, CO2 8BG

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **30 January 2014**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson Due Date: 03/02/2014

MAJOR

Site: **Co-operative Superstore, 118 Abbots Road, Colchester, CO2 8BG**

Application No: **132184**

Date Received: 4 November 2013

Agent: Boyer Planning Ltd

Applicant: East Of England Co-Operative Society

Development: Variation of condition 14 of planning permission 97/0648 to allow the store to trade between 7:00am - 11:00pm Monday to Saturday, 7:00am - 11:00pm Sundays, and 7:00am - 9:00pm Bank Holidays.

Ward: Harbour

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major application and objection has been received from the ward Councillor and local residents.

2.0 Synopsis

2.1 The key issue explored below is suitability of the proposed opening times and the impact on residential amenity

3.0 Site Description and Context

3.1 The site of the Co-operative store is the north side of Abbots Road. The site comprises the retail store building roughly central along the frontage with customer car park on the west side and service yard on the east. The customer car park has a boundary with rear gardens of houses in Viceroy Close and an area of public open space. There is a narrow landscaped area which separate the customer car park from the rear gardens. The service yard also backs onto residential properties. The vehicular access to the customer car park is close to the boundary with residential properties. There is open land owned by the MOD opposite the site.

4.0 Description of the Proposal

4.1 The application proposes the extension of the opening times of the store – from Monday - Thursday 8.30 am to 8.00 pm, Friday 8.30 to 10.00 pm Saturday 8.00 to 7.00pm Sunday 10.00 to 4.00pm to Monday- Saturday 7:00 - 11:00pm, Sundays 7:00 - 11:00pm, and Bank Holidays 7:00 - 9:00pm.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 COL/97/0648 - Erection of a supermarket

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 (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy

8.0 Consultations

8.1 Environmental Protection - no comment

Environmental Protection were re-consulted following the receipt of the letters of objection from neighbours and made the following response "I have rechecked our history and we have only one person complaining. A complaint was received in 2006, 2004 and 2 complaints in 2003. These all are about noise from lorries delivering and leaving their engines running. These were all dealt with informally, so I really have no grounds to object or condition".

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 N/A

10.0 Representations

10.1 6 letters of objection have been received from adjacent neighbours plus a letter from one of the ward councillors; Councillor Blandon

- This branch of the cooperative supermarkets has historic issues with regard anti-social behaviour in it's car park once the night time settles in. We had long discussions with the cooperative supermarket and the police several years ago and this was finally remedied by them installing a secure gate, taking the trolleys in at night when closed, switching off the lights in the car park and closing early - 9 pm instead of 10 pm. It was decided that they would open an hour earlier in the morning I believe. The noise and troubled ceased almost with immediate effect and we the residents were and still are very grateful.
- Do the proposed hours meet the Sunday trading law?
- Are there any licensing restrictions on the sale of alcohol, as it is possible that the late opening may attract certain elements of the public? The availability of the external ATM machine may also increase activity, not necessarily as customers. Reference is made in the submission letter to the Colchester Core Strategy "the provision of local shops and services....." It should be noted that there are 3 local independent shops with late opening hours, albeit with a limited food range, some 400 yards from the Co-Op. Will the Co-Op take trade away from these independent shops?
- Condition 14 of the planning permission which this application refers to, whereby the Council must approve any changes in hours specifically states - "REASON to protect the amenity of local residents". Whilst the majority of the consultees to this application may not be fully adversely affected by the proposed changes, consideration must be given to those of us whose gardens back directly onto the car park. The current noise levels generated by vehicles driving into the car park, car alarms sounding, loud music, revving motorcycles and the occasional anti-social behaviour. This is a situation we have come to accept, but not particularly enjoy, especially during the summer evenings. Any increase in hours will impact further on our amenities.
- In the penultimate paragraph of the Planning Consultant letter, it states " the relaxation of the restrictions on the opening hours is appropriate and would not adversely impact upon the amenities of nearby residential properties". What a presumptuous bold assumption to make, without evidence to support that statement.

May I request that the Council reject this application on the grounds that it would further seriously affect the amenities of the adjacent properties.

- This late opening in this area does not seem feasible as we have other coop convenience stores within close range of this area. I would be very unhappy to see this go ahead and would encourage me to move from this area all together!

10.2 Councillor Blandon comments:-

“I wish to support the neighbours in their objections to the extension of hours at the CO-OP store in Abbots Road. We can accept later hours On weekdays but to have Sundays and Bank Holidays interrupted by later hours will cause a disturbance to residents whose gardens back on To the site and leave them unable to enjoy their own property at weekends”.

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 parking provision is unaffected by this proposal.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that no Planning Obligations were required.

15.0 Report

15.1 The principal planning consideration arising from this proposal is the impact of the increased opening hours upon local residential amenity. There are 6 residential properties, 57 – 67 Viceroy Close which back onto the customer car park 2 of these residents have objected to the application. The comment made by neighbours suggest previous problems with the use of the car park when the store was closed were resolved by the applicant. The objections to the current application relate to noise and disturbance from vehicles, car alarms, music from vehicles and motor cycles

15.2 The main policy is Policy DP1: Design and Amenity the relevant part of this policy states:-

“All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will:(iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight; For the purpose of this policy ancillary activities associated with development will be considered to include vehicle movement.”

15.3 The extra opening times will in effect allow the store to open throughout the year plus opening earlier and closing later each day. The proposal therefore has the potential to cause noise and disturbance associated with additional vehicle movement which would be contrary to the above policy.

15.4 The applicant's supporting information refers to other stores which have later opening times. However each application has to be treated on its individual merits. This retail store is within an area allocated for predominantly residential purposes. Other stores may be within local shopping areas or mixed use areas.

15.5 Environmental Protection has raised no objection to the application based on the lack of complaints from residents. However lack of complaints in respect of the existing use does not necessarily mean the extended hours will not lead to disturbance or loss of amenity. Whilst in light of the comments from Environmental Protection it would be difficult to sustain a refusal of planning permission your officers consider the extended hours could result in disturbance and a temporary permission is therefore considered appropriate.

16.0 Conclusion

16.1 The recommendation for a temporary 12 month period would allow the Local Planning Authority, in conjunction with Environmental Protection, to consider if an increase in opening hours was appropriate on a permanent basis, should an application be submitted on this basis at a future date.

17.0 Recommendation - APPROVE subject to the following conditions

18.0 Positivity Statement

18.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

19.0 Conditions

1 - Non-Standard Condition/Reason

Retail sales shall not be carried out at any time outside of the hours of
7:00am - 11:00pm Monday to Saturday,
7:00am - 11:00pm Sundays, and
7:00am - 9:00pm Bank Holidays.

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

2 - Non-Standard Condition/Reason

The developer shall notify the Local Planning Authority of the date of commencement of this planning permission for longer opening hours, and the use hereby permitted shall be discontinued on or before 12 months of the date of commencement of this permission.

Reason: A trial period of 12 months for the longer opening hours is considered appropriate in order to enable the Local Planning Authority to judge the effect of the longer opening hours upon residential amenity and the amenities of the locality.

3 - Non-Standard Condition/Reason

The development hereby granted relates solely to the variation of condition no. 14 of planning permission COL/97/0648 in relation to the permitted opening times of the retail premises, and all other conditions relating to that permission and any other extant permission for the application site shall still apply.

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

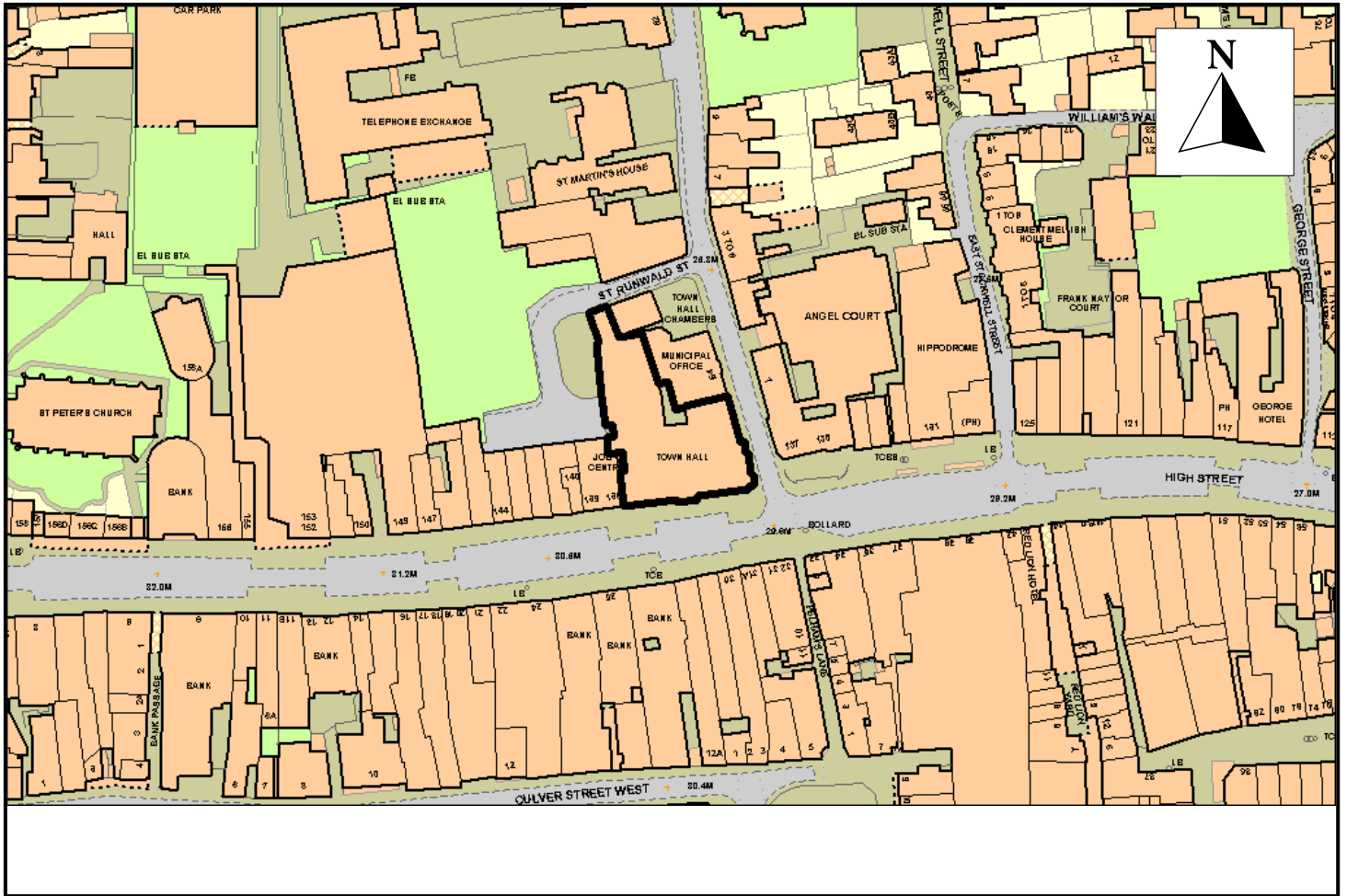
20.0 Informatives

(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.



Application No: 132801

Location: Colchester Borough Council, Town Hall, High Street, Colchester, CO1 1PJ

Scale (approx): 1:1250

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7.2 Case Officer: Sue Jackson

Due Date: 04/02/2014

MINOR

Site: Town Hall, High Street, Colchester, CO1 1PJ

Application No: 132801

Date Received: 10 December 2013

Agent: NPS Property Consultants Ltd

Applicant: Colchester Borough Council

Development: Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct.

Ward: Castle

Summary of Recommendation: Conditional Approval

7.3 Case Officer: Libby Kirkby-Taylor

Due Date: 04/02/2014

MINOR

Site: Town Hall, High Street, Colchester, CO1 1PJ

Application No: 132802

Date Received: 10 December 2013

Agent: Mrs Penny Summers

Applicant: Mr Lee Spalding

Development: Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct.

Ward: Castle

Summary of Recommendation: Conditional Approval subject to confirmation from Secretary of State that Colchester Borough Council can determine the application

1.0 Reason for Referral to the Planning Committee

1.1 These applications are referred to the Planning Committee because Colchester Borough Council is the applicant

2.0 Synopsis

2.1 The key issue explored below is the impact of the works on the Grade 1 listed building.

3.0 Site Description and Context

3.1 The application relates to the Town Hall in High Street Colchester

3.2 The Town Hall is listed Grade I this is the highest listing, meaning that the building is of exceptional interest. The list description for the building is as follows:

‘1898, by John Belcher. Exceptionally rich design in free classical style: red brick and Portland stone. Three storeys, lowest one stone-faced with central entrance, carved brackets to porch support balcony above. Three pairs of engaged Corinthian columns rise through 1st and 2nd storeys to support two segmental and one triangular pediment. Large coat of arms above latter, breaking balustrade to roof. Statues in high relief between 2nd storey windows. Victoria tower, on return, rises above pair of bay windows. 162 ft high topped by statue of St Helena. Lower stage of brick, upper part of stone: very elaborate with four bronze ravens and four stone figures - Fishery, Engineering, Military Defence, Agriculture. One of the bells is from the Old Town Hall. Circa 1400 (RCHM).’

4.0 Description of the Proposal

4.1 The Design and Access Statement explains that Colchester Borough Council is rationalising its accommodation needs and is looking for a new permanent location for the CCTV monitoring centre the current location is within Angel Court which is currently leased by the Council

4.2 The proposals include the following:

- a new CCTV control room within the lower ground floor by reinstating a former opening in the wall between rooms. Removing an old hardboard suspended ceiling structure and timber wall protection and bracing. Installation of new suspended ceiling and freestanding CCTV monitor and mechanical cooling/heating system
- create a new IT server room within existing store room removal of cupboard and installation of mechanical cooling/heating system
- create new staff kitchenette and workshop within redundant male toilet install new suspended ceiling kitchen units worktops sink and shelving installation of mechanical extract ventilation fan water heater drinking water boiler kick space heater
- upgrade and install new lighting in the affected rooms
- adjustment of plumbing work
- installation of an existing diesel emergency generator relocated from Angel Court with new flue installation in basement courtyard
- installation of new external condenser unit ventilation duct and exhaust vent in basement courtyard
- new intercom/video entrance system installed to existing West Stockwell Street entrance

- install new fibre optic cable network from Angel Court via the tunnel under West Stockwell Street to the ground floor of the Town Hall
- making good and redecoration

5.0 Land Use Allocation

5.1 The Town Hall is located within the Outer Core of the Town Centre.

6.0 Relevant Planning History

6.1 There is extensive planning history relating to the Town Hall but none is relevant to this application 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 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 The guidance notes accompanying the now withdrawn PPS Historic Environment

Core Strategy

7.3 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
UR2 - Built Design and Character

7.4 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP14 Historic Environment Assets

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents
External Materials in New Developments

8.0 Consultations

8.1 Archaeology Officer comments as follows:-

“ I have no observation to make on this proposal.”

8.2 Environmental Protection - No comments

8.3 English Heritage states as follows:-

“English Heritage Advice

The application seeks permission to carry out alterations to the Town Hall, Colchester in order to accommodate the CCTV Monitoring centre. The Town Hall was built in 1898. Designed by John Belcher it has exceptionally rich design in the free classical style. Its Grade I listing reflects this, placing it in the top 2.5% of listed buildings in the country, thus special regard should be given to the desirability of preserving the building (ss 16, 62, 1990 Act).

The majority of the works would not impact on the significance of the building. However, we do wish to raise the following concerns:-

- The works would include the installation of new exhaust flue and air con fresh air duct. This has the potential to impact on the historic fabric and the appearance of the listed building. Any flues or ducting should be kept to a minimum, placed in the most discreet areas and should be in a finish appropriate to the building.
- The works would result in the removal of timber wall protection, beams and bracing; it is unclear whether this is historic fabric and contributes to the significance of the listed building. Your authority should seek to confirm this.
- It is proposed to have new suspended ceilings within the main building that would be attached to the timber frame. The use of new lining has the potential to change the character and appearance of the rooms and the justification of this should be considered. Although the fabric may not be damaged in any way this would conceal the architectural detailing from the room and its context.
- The introduction of new ceilings and services would require mechanical fixings. If your authority considers the proposed ceilings to be acceptable fixing details should be agreed through condition in order to minimise impact to the historic fabric.

The National Planning Policy Framework (NPPF) states that any harm or loss should require clear and convincing justification (paragraph 132). Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Your authority should assess whether the proposals would result in harm to the listed building. If they would you should consider whether the resultant harm would be justified or outweighed by the benefits of the proposal in line with paragraphs 132 and 134 of the NPPF.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.”

Officer comment to the specific concerns raised by English Heritage:

- *the new exhaust and air con fresh air duct will not impact on any historic fabric*
- *removal of timber wall protection etc this will not impact on historic fabric*
- *new suspended ceilings are proposed in areas where there are no significant architectural features*
- *the mechanical fixings to the new ceilings and services will not affect any historic fabric*

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 N/a

10.0 Representations

10.0 None

11.0 Parking Provision

11.1 The applications do not impact on parking provision.

12.0 Open Space Provisions

12.1 The applications do not raise any issues regarding open space.

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 The planning 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

15.1 The main consideration is the impact of the proposal upon the special interest of the listed building.

15.2 The NPPF states that, in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

15.3 The NPPF goes on to explain that, 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.

- 15.4 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.
- 15.5 Development Plan Policy DP14 states 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.
- 15.6 The Town Hall is a Grade I listed building, which means that it is of exceptional historic and architectural interest. The rooms that are the subject of this application are in the lower ground floor of the Town Hall building and do not affect historic fabric. English Heritage has raised some concerns but the rooms the subject of the application have been visited by the case officer and the Historic Buildings and Areas Officer and the works proposed do not impact on any architectural features or result in the removal or destruction of any historic fabric.
- 15.7 The generator and flue will be located in a central courtyard an area not visible to the general public, visually not very attractive and already containing various pipes and ducts.
- 15.8 The proposed video door entry system will be located on a small side return wall adjacent to the entrance door on West Stockwell Street. There is an existing intercom system on the opposite wall.

16.0 Conclusion

- 16.1 The proposed works would not affect the special architectural character or the historic fabric of the Town Hall. It is therefore concluded that the proposal would not have a detrimental impact on the special interest of the listed building, subject to conditions.

17.0 Recommendation

- 17.1 It is recommended that Members grant planning permission and that the application for Listed Building Consent is referred to the Secretary of State for approval.

18.0 Positivity Statement

- 18.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Conditional Approval for 132801

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 14-1-1065-NPS-DR0A-P03P1, P04P1, P05P1, P06P1, P07P1, P08P1 and M-01P1, M-02P1, M-03P1, E-E02P1, E03P1, E04P1, E05P1 and the submitted Design and Access Statement and Heritage Statement.

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

Informatives

ZUG – Informative when listed building consent is needed.

PLEASE NOTE: The building to which this permission relates has been listed by the Secretary of State for Culture, Media and Sport as being of Special Architectural or Historic Interest. A separate Listed Building Consent is required in respect of the development hereby permitted and no development/works should take place until that consent has been obtained. The carrying out of work without listed building consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and/or contractors liable for enforcement action and/or prosecution.

Recommendation for 132802 - Subject to confirmation from the Secretary of State that Colchester Borough Council can determine the application the Head of Commercial Services be authorised to issue a delegated permission subject to the following conditions :-

1 - Time Limit for LBCs

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 14-1-1065-NPS-DR0A-P03P1, P04P1, P05P1, P06P1, P07P1, P08P1 and M-01P1, M-02P1, M-03P1, E-E02P1, E03P1, E04P1, E05P1 and the submitted Design and Access Statement and Heritage Statement.

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

Within 2 months of the works being carried out, all adjoining surfaces which have been disturbed by the works (including brickwork, plaster and floor tiles) shall be made good with materials and finishes to match those of existing undisturbed areas surrounding the new opening.

Reason: In order to preserve the historic character of the listed building.

4 - Non-Standard Condition/Reason

All new external and internal works and finishes and works of making good to the retained fabric shall match the existing work adjacent in respect of materials, methods, detailed execution and finished appearance unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In order to preserve the historic character of the listed building.



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.